

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE CENTERLINE HOLDING COMPANY
SECURITIES LITIGATION

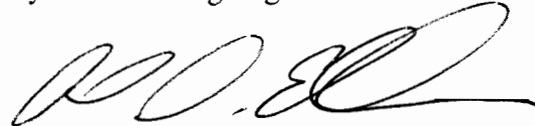
Civil Action No. 08-CV-00505 (SAS)

**DECLARATION OF ALAN I. ELLMAN IN SUPPORT
OF THE MOTION OF THE CENTERLINE INVESTOR GROUP FOR APPOINTMENT
AS LEAD PLAINTIFF AND APPROVAL OF SELECTION OF LEAD COUNSEL**

Alan I. Ellman declares under penalty of perjury this 18th day of March, 2008:

1. I am an attorney with the law firm of Labaton Sucharow LLP, counsel for J. Michael Fried, Joseph A. Braddock, Norman Millman and Ed Friedlander, as Trustee for the Ed Friedlander Trust, (collectively, the "Centerline Investor Group"). I submit this declaration in support of the motion of the Centerline Investor Group for appointment as lead plaintiff and for approval of selection of lead counsel.
2. Attached hereto as Exhibit A is a true and correct copy of the signed certifications of the members of the Centerline Investor Group pursuant to the requirements of the Private Securities Litigation Reform Act of 1995. 15 U.S.C. §78u-4(a)(2).
3. Attached hereto as Exhibit B is a true and correct copy of a chart of the Centerline Investor Groups' transactions and approximate losses in Centerline Holding Company ("Centerline") securities.
4. Attached hereto as Exhibit C is a true and correct copy of the notice to class members that was published on January 18, 2008 on *PR Newswire*, advising the public of the pendency of a class action filed on behalf of shareholders of Centerline.
5. Attached hereto as Exhibit D is a true and correct copy of the firm resume of Labaton Sucharow LLP.
6. Attached hereto as Exhibit E is a true and correct copy of the firm resume of Berger & Montage, P.C.

I hereby declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in black ink, appearing to read "A. I. Ellman", written over a horizontal line.

ALAN I. ELLMAN (AE-7347)

Exhibit A

CERTIFICATION

I, J. Michael Fried, hereby certify as follows:

1. I am fully authorized to enter into and execute this Certification. I have reviewed a complaint alleging violations of the federal securities laws prepared against Centerline Holding Company ("Centerline");
2. I did not purchase securities of Centerline at the direction of counsel or in order to participate in any private action under the federal securities laws;
3. I am willing to serve as a lead plaintiff in this matter, including providing testimony at deposition and trial, if necessary;
4. I have transactions in the securities of Centerline during the class period as reflected in Exhibit A hereto;
5. I have not sought to serve as a lead plaintiff in any class action under the federal securities laws during the last three years, except for the following:
6. Beyond my pro rata share of any recovery, I will not accept payment for serving as a lead plaintiff on behalf of the class, except the reimbursement of such reasonable costs and expenses (including lost wages) as ordered or approved by the Court.

I declare under penalty of perjury, under the laws of the United States, that the foregoing is true and correct.

Dated: 3/10/08

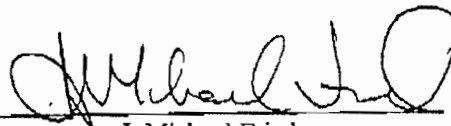

J. Michael Fried

EXHIBIT A

TRANSACTIONS IN
CENTERLINE HOLDING COMPANY

Transaction Type	Trade Date	Shares	Price Per Share	Cost/ Proceeds
Purchase	08/06/07	1,300.00	\$ 12.19	(\$15,847.88)
Purchase	08/06/07	1,400.00	\$ 11.77	(\$16,477.97)
Purchase	08/06/07	2,500.00	\$ 11.75	(\$29,384.95)
Purchase	08/06/07	800.00	\$ 11.78	(\$9,427.18)
Purchase	08/06/07	100.00	\$ 11.78	(\$1,178.40)
Purchase	08/06/07	200.00	\$ 11.77	(\$2,354.80)
Purchase	08/06/07	1,700.00	\$ 11.76	(\$20,005.57)
Purchase	08/06/07	900.00	\$ 11.78	(\$10,607.38)
Purchase	08/06/07	900.00	\$ 12.20	(\$10,980.61)
Purchase	08/06/07	100.00	\$ 12.15	(\$1,215.07)
Purchase	08/06/07	2,200.00	\$ 12.20	(\$26,841.50)
Purchase	08/06/07	500.00	\$ 12.16	(\$6,080.34)
Purchase	08/06/07	200.00	\$ 11.78	(\$2,356.80)
Purchase	08/06/07	100.00	\$ 11.78	(\$1,178.40)
Purchase	08/06/07	200.00	\$ 11.79	(\$2,358.80)
Purchase	08/06/07	2,400.00	\$ 12.16	(\$29,185.64)
Purchase	08/06/07	800.00	\$ 11.77	(\$9,419.18)
Purchase	08/06/07	100.00	\$ 11.77	(\$1,177.40)
Purchase	08/06/07	100.00	\$ 11.76	(\$1,176.39)
Purchase	08/06/07	500.00	\$ 12.20	(\$6,100.34)
Purchase	08/06/07	100.00	\$ 11.77	(\$1,177.40)
Purchase	08/06/07	100.00	\$ 12.20	(\$1,220.07)
Purchase	08/06/07	5,600.00	\$ 12.20	(\$68,323.82)
Purchase	08/06/07	900.00	\$ 12.15	(\$10,935.61)
Purchase	08/06/07	2,400.00	\$ 11.80	(\$28,329.55)
Purchase	08/06/07	100.00	\$ 11.79	(\$1,179.40)
Purchase	08/06/07	100.00	\$ 11.76	(\$1,176.40)
Purchase	08/06/07	100.00	\$ 12.15	(\$1,215.07)
Purchase	08/06/07	300.00	\$ 11.75	(\$3,526.19)
Purchase	08/06/07	400.00	\$ 11.75	(\$4,701.59)
Purchase	08/07/07	2,500.00	\$ 12.65	(\$31,634.95)
Purchase	08/07/07	2,900.00	\$ 12.93	(\$37,514.37)
Purchase	08/07/07	100.00	\$ 12.69	(\$1,269.28)
Purchase	08/07/07	1,300.00	\$ 12.70	(\$16,513.70)
Purchase	08/07/07	100.00	\$ 12.65	(\$1,268.00)
Purchase	08/07/07	100.00	\$ 12.95	(\$1,295.20)

Purchase	08/07/07	200.00	\$	12.97	(\$2,594.40)
Purchase	08/07/07	1,300.00	\$	12.85	(\$16,708.80)
Purchase	08/07/07	1,000.00	\$	12.65	(\$12,680.00)
Purchase	08/07/07	100.00	\$	12.91	(\$1,291.20)
Purchase	08/07/07	1,000.00	\$	12.65	(\$12,680.00)
Purchase	08/07/07	300.00	\$	12.85	(\$3,855.88)
Purchase	08/07/07	1,000.00	\$	12.65	(\$12,680.00)
Purchase	08/07/07	5,000.00	\$	12.55	(\$62,759.95)
Purchase	08/07/07	1,700.00	\$	12.70	(\$21,594.83)
Purchase	08/07/07	124.00	\$	12.95	(\$1,606.05)
Purchase	08/07/07	300.00	\$	12.96	(\$3,888.60)
Purchase	08/07/07	1,800.00	\$	12.85	(\$23,135.27)
Purchase	08/07/07	800.00	\$	12.65	(\$10,144.00)
Purchase	08/07/07	100.00	\$	12.65	(\$1,268.00)
Purchase	08/07/07	153.00	\$	12.98	(\$1,986.24)
Purchase	08/07/07	1,600.00	\$	12.89	(\$20,630.37)
Purchase	08/07/07	100.00	\$	12.98	(\$1,298.20)
Purchase	08/07/07	100.00	\$	12.94	(\$1,294.20)
Purchase	08/07/07	400.00	\$	12.70	(\$5,081.14)
Purchase	08/07/07	900.00	\$	12.90	(\$11,613.58)
Purchase	08/07/07	2,500.00	\$	12.68	(\$31,704.95)
Purchase	08/07/07	1,000.00	\$	12.65	(\$12,680.00)
Purchase	08/07/07	5,000.00	\$	12.35	(\$61,759.95)
Purchase	08/07/07	700.00	\$	12.83	(\$8,982.39)
Purchase	08/07/07	223.00	\$	12.97	(\$2,892.75)
Purchase	08/08/07	5,000.00	\$	13.00	(\$65,157.00)
Purchase	11/02/07	1,000.00	\$	12.98	(\$12,983.98)
Purchase	11/02/07	1,500.00	\$	12.98	(\$19,475.97)
Purchase	11/02/07	3,000.00	\$	12.94	(\$38,829.95)
Purchase	11/02/07	2,000.00	\$	12.90	(\$25,809.95)

CENTERLINE HOLDING COMPANY
CERTIFICATION PURSUANT TO THE FEDERAL SECURITIES LAW

Joseph A. Braddock ("Plaintiff"), duly swears and says, as to the claims asserted under the federal securities laws, that:

1. I have reviewed the complaint filed against Centerline Holding Company ("CHC") and certain of its officers.
2. I did not purchase the security that is the subject of this action at the direction of my counsel or in order to participate in this private action.
3. I am willing to serve as a representative plaintiff on behalf of the class, including providing testimony at deposition and trial, if necessary.
4. My transactions in the securities of Centerline Holding Company between March 12, 2007 and December 28, 2007 (the "Class Period") are as follows:

<u>SECURITIES PURCHASED</u>	<u>DATE OF PURCHASE</u>	<u>PRICE PER SHARE</u>
19,000	08/20/2007	\$15.035
200	10/16/2007	\$14.74
400	10/16/2007	\$14.75
200	10/16/2007	\$14.76
100	10/16/2007	\$14.77
700	10/16/2007	\$14.78
1,400	10/16/2007	\$14.80
1,000	10/19/2007	\$13.99
5,750	11/09/2007	\$13.24
400	11/09/2007	\$13.16
6,400	11/09/2007	\$13.17
700	11/09/2007	\$13.36
689	11/15/2007	\$13.72


<u>SECURITIES SOLD</u>	<u>DATE OF SALE</u>	<u>PRICE PER SHARE</u>
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5. I have not sought to serve as a class representative in any other action filed under the United States federal securities laws in the past three (3) years preceding the date on which this certification is signed.

6. I have not and will not accept any payment for serving as a representative plaintiff on behalf of the class beyond my pro rata share of any recovery, or as ordered or approved by the court, including any award for reasonable costs and expenses (including lost wages) directly relating to the representation of the class.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 29th day of JANUARY, 2008.

By:


Joseph A. Braddock

CENTERLINE HOLDING COMPANY
CERTIFICATION PURSUANT TO THE FEDERAL SECURITIES LAWS

I, Norman Millman, individually, and as attorney in fact for my daughter, Erica Millman and my wife, Noel Nielson, ("Plaintiff"), duly swear and say, as to the claims asserted under the federal securities laws, that:

1. Plaintiff has reviewed a complaint against certain officers of Centerline Holding Company, and Plaintiff approves of its contents, and authorizes the filing of a similar Complaint on its behalf.
2. Plaintiff did not purchase the security that is the subject of this action at the direction of its counsel or in order to participate in this private action.
3. Plaintiff is willing to serve as a representative plaintiff on behalf of the class, including providing testimony at deposition and trial, if necessary.
4. Plaintiff's transactions in the securities of Centerline Holding company between and including December 5, 2006 through December 28, 2007, inclusive (the "Class Period"), are as follows:

Shares Purchased	Date of Purchase	Price per Share
1,600	1/09/2007	\$21.0499
1,750	2/13/2007	\$20.5926
400	9/20/2007	\$15.55
5,000	9/20/2007	\$15.5777
5,000	9/20/2007	\$15.5784
4,600	10/15/2007	\$15.13

5. Plaintiff has not sought to serve as a class representative in any actions filed under the United States federal securities laws in the past three (3) years preceding the date on which this certification is signed.

6. Plaintiff has not accepted and will not accept any payment for serving as a representative plaintiff on behalf of the class beyond its pro rata share of any recovery, except for reimbursement of reasonable costs and expenses (including lost wages) directly relating to the representation of the class, to the extent ordered by the Court.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 17th day of MARCH, 2008.

By: 

NORMAN MILLMAN
 440 Fairmount Ave.
 Philadelphia, PA 19123

CENTERLINE HOLDING COMPANY
CERTIFICATION PURSUANT TO THE FEDERAL SECURITIES LAW

Ed Friedlander as Trustee for the Ed Friedlander Trust
("Plaintiff"), duly swears and says, as to the claims asserted under the federal securities laws, that:

1. I have reviewed the complaint filed against Centerline Holding Company ("CHC") and certain of its officers.
2. I did not purchase the security that is the subject of this action at the direction of my counsel or in order to participate in this private action.
3. I am willing to serve as a representative plaintiff on behalf of the class, including providing testimony at deposition and trial, if necessary.
4. My transactions in the securities of Centerline Holding Company between and including March 12, 2007 through December 28, 2007 (the "Class Period") are as follows:

SECURITIES	DATE OF PURCHASE	PRICE PER
<u>PURCHASED</u>	<u>PURCHASE</u>	<u>SHARE</u>
5,000	03/14/2007	\$18.5950
2,000	04/11/2007	\$18.0900
SECURITIES	DATE OF	PRICE PER
<u>SOLD</u>	<u>SALE</u>	<u>SHARE</u>
7,000	12/31/2007	\$6.8852

5. I have not sought to serve as a class representative in any other action filed under the United States federal securities laws in the past three (3) years preceding the date on which this certification is signed.

6. I have not and will not accept any payment for serving as a representative plaintiff on behalf of the class beyond my pro rata share of any recovery, or as ordered or approved by the court, including any award for reasonable costs and expenses (including lost wages) directly relating to the representation of the class.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 26th day of February, 2008.

By: Ed Friedlander
Ed Friedlander

Address : 2631 Cranbrook Court

Boynton Beach, FL 33436

(516) 643-3596

Exhibit B

J. Michael Fried

Class Period: 12/5/2006 to 12/28/2007

Centerline Holding Company

Ticker	CUSIP	SEDOL	ISIN	Lookback Price*
CHC	15188T108	2113757	US15188T1088	\$5.67

Trans Type	Trade Date	Shares	Price Per Share	Cost/ Proceeds
Purchase	08/06/07	1,300.00	\$ 12.19	(\$15,847.88)
Purchase	08/06/07	1,400.00	\$ 11.77	(\$16,477.97)
Purchase	08/06/07	2,500.00	\$ 11.75	(\$29,384.95)
Purchase	08/06/07	800.00	\$ 11.78	(\$9,427.18)
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Purchase	08/06/07	2,200.00	\$ 12.20	(\$26,841.50)
Purchase	08/06/07	500.00	\$ 12.16	(\$6,080.34)
Purchase	08/06/07	200.00	\$ 11.78	(\$2,356.80)
Purchase	08/06/07	100.00	\$ 11.78	(\$1,178.40)
Purchase	08/06/07	200.00	\$ 11.79	(\$2,358.80)
Purchase	08/06/07	2,400.00	\$ 12.16	(\$29,185.64)
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Purchase	08/06/07	100.00	\$ 11.76	(\$1,176.39)
Purchase	08/06/07	500.00	\$ 12.20	(\$6,100.34)
Purchase	08/06/07	100.00	\$ 11.77	(\$1,177.40)
Purchase	08/06/07	100.00	\$ 12.20	(\$1,220.07)
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Purchase	08/06/07	400.00	\$ 11.75	(\$4,701.59)
Purchase	08/07/07	2,500.00	\$ 12.65	(\$31,634.95)
Purchase	08/07/07	2,900.00	\$ 12.93	(\$37,514.37)
Purchase	08/07/07	100.00	\$ 12.69	(\$1,269.28)
Purchase	08/07/07	1,300.00	\$ 12.70	(\$16,513.70)
Purchase	08/07/07	100.00	\$ 12.65	(\$1,268.00)
Purchase	08/07/07	100.00	\$ 12.95	(\$1,295.20)
Purchase	08/07/07	200.00	\$ 12.97	(\$2,594.40)
Purchase	08/07/07	1,300.00	\$ 12.85	(\$16,708.80)
Purchase	08/07/07	1,000.00	\$ 12.65	(\$12,680.00)
Purchase	08/07/07	100.00	\$ 12.91	(\$1,291.20)
Purchase	08/07/07	1,000.00	\$ 12.65	(\$12,680.00)
Purchase	08/07/07	300.00	\$ 12.85	(\$3,855.88)
Purchase	08/07/07	1,000.00	\$ 12.65	(\$12,680.00)
Purchase	08/07/07	5,000.00	\$ 12.55	(\$62,759.95)
Purchase	08/07/07	1,700.00	\$ 12.70	(\$21,594.83)

Purchase	08/07/07	124.00	\$	12.95	(\$1,606.05)
Purchase	08/07/07	300.00	\$	12.96	(\$3,888.60)
Purchase	08/07/07	1,800.00	\$	12.85	(\$23,135.27)
Purchase	08/07/07	800.00	\$	12.65	(\$10,144.00)
Purchase	08/07/07	100.00	\$	12.65	(\$1,268.00)
Purchase	08/07/07	153.00	\$	12.98	(\$1,986.24)
Purchase	08/07/07	1,600.00	\$	12.89	(\$20,630.37)
Purchase	08/07/07	100.00	\$	12.98	(\$1,298.20)
Purchase	08/07/07	100.00	\$	12.94	(\$1,294.20)
Purchase	08/07/07	400.00	\$	12.70	(\$5,081.14)
Purchase	08/07/07	900.00	\$	12.90	(\$11,613.58)
Purchase	08/07/07	2,500.00	\$	12.68	(\$31,704.95)
Purchase	08/07/07	1,000.00	\$	12.65	(\$12,680.00)
Purchase	08/07/07	5,000.00	\$	12.35	(\$61,759.95)
Purchase	08/07/07	700.00	\$	12.83	(\$8,982.39)
Purchase	08/07/07	223.00	\$	12.97	(\$2,892.75)
Purchase	08/08/07	5,000.00	\$	13.00	(\$65,157.00)
Purchase	11/02/07	1,000.00	\$	12.98	(\$12,983.98)
Purchase	11/02/07	1,500.00	\$	12.98	(\$19,475.97)
Purchase	11/02/07	3,000.00	\$	12.94	(\$38,829.95)
Purchase	11/02/07	2,000.00	\$	12.90	(\$25,809.95)
Class period purchases:		74,000.00			(\$923,702.80)
FIFO Retained purchases:		74,000.00		\$5.67	\$419,511.48
LIFO Retained purchases:		74,000.00		\$5.67	\$419,511.48
				FIFO Gain/(Loss):	(\$504,191.32)
				LIFO Gain/(Loss):	(\$504,191.32)

Joseph A. Braddock

Class Period: 12/5/2006 to 12/28/2007

Centerline Holding Company

	Ticker	CUSIP	SEDOL	ISIN	Lookback Price*
	CHC	15188T108	2113757	US15188T1088	\$5.67

Trans Type	Trade Date	Shares	Price Per Share	Cost/ Proceeds
Purchase	08/20/07	19,000.00	\$ 15.04	(\$285,665.00)
Purchase	10/16/07	200.00	\$ 14.74	(\$2,948.00)
Purchase	10/16/07	400.00	\$ 14.75	(\$5,900.00)
Purchase	10/16/07	200.00	\$ 14.76	(\$2,952.00)
Purchase	10/16/07	100.00	\$ 14.77	(\$1,477.00)
Purchase	10/16/07	700.00	\$ 14.78	(\$10,346.00)
Purchase	10/16/07	1,400.00	\$ 14.80	(\$20,720.00)
Purchase	10/19/07	1,000.00	\$ 13.99	(\$13,990.00)
Purchase	11/09/07	5,750.00	\$ 13.24	(\$76,130.00)
Purchase	11/09/07	400.00	\$ 13.16	(\$5,264.00)
Purchase	11/09/07	6,400.00	\$ 13.17	(\$84,288.00)
Purchase	11/09/07	700.00	\$ 13.36	(\$9,352.00)
Purchase	11/15/07	689.00	\$ 13.72	(\$9,453.08)

<i>Class period purchases:</i>	<u>36,939.00</u>		<u>(\$528,485.08)</u>
<i>FIFO Retained purchases:</i>	36,939.00	\$5.67	\$209,409.93
<i>LIFO Retained purchases:</i>	36,939.00	\$5.67	\$209,409.93
		FIFO Gain/(Loss):	(\$319,075.15)
		LIFO Gain/(Loss):	(\$319,075.15)

Norman Millman

Class Period: 12/5/2006 to 12/28/2007

Centerline Holding Company

Ticker	CUSIP	SEDOL	ISIN	Lookback Price*
CHC	15188T108	2113757	US15188T1088	\$5.67

Trans Type	Trade Date	Shares	Price Per Share	Cost/ Proceeds
Purchase	01/09/07	1,600.00	\$ 21.05	(\$33,679.84)
Purchase	02/13/07	1,750.00	\$ 20.59	(\$36,037.05)
Purchase	09/20/07	400.00	\$ 15.55	(\$6,220.00)
Purchase	09/20/07	5,000.00	\$ 15.58	(\$77,888.50)
Purchase	09/20/07	5,000.00	\$ 15.58	(\$77,892.00)
Purchase	10/15/07	4,600.00	\$ 15.13	(\$69,598.00)

<i>Class period purchases:</i>	<u>18,350.00</u>		<u>(\$301,315.39)</u>
<i>FIFO Retained purchases:</i>	18,350.00	\$5.67	\$104,027.51
<i>LIFO Retained purchases:</i>	18,350.00	\$5.67	\$104,027.51
		FIFO Gain/(Loss):	(\$197,287.88)
		LIFO Gain/(Loss):	(\$197,287.88)

Ed Friedlander, as Trustee for the Ed Friedlander Trust

Class Period: 12/5/2006 to 12/28/2007

Centerline Holding Company

Ticker	CUSIP	SEDOL	ISIN	Lookback Price*
CHC	15188T108	2113757	US15188T1088	\$5.67

Trans Type	Trade Date	Shares	Price Per Share	Cost/ Proceeds
Purchase	03/14/07	5,000.00	\$ 18.60	(\$92,975.00)
Purchase	04/11/07	2,000.00	\$ 18.09	(\$36,180.00)
<i>Class period purchases:</i>		<u>7,000.00</u>		<u>(\$129,155.00)</u>
Sale	12/31/07	-7,000.00	\$ 6.89	\$48,196.40

<i>Post-Class period sales (of class period purchases):</i>	<u>-7,000.00</u>		<u>\$48,196.40</u>
<i>FIFO Retained purchases:</i>	0.00	\$5.67	\$0.00
<i>LIFO Retained purchases:</i>	0.00	\$5.67	\$0.00
		FIFO Gain/(Loss):	(\$80,958.60)
		LIFO Gain/(Loss):	(\$80,958.60)

**Value of retained purchases is the mean trading price from 12/28/2007 to 3/17/2008.*

Combined Group FIFO Loss:	(\$1,101,512.95)
Combined Group LIFO Loss:	(\$1,101,512.95)

Exhibit C

PRN Berger & Montague, P.C. Files Class Action Lawsuit Against
Jan 18 2008 22:01:51 GMT

Centerline Holding Company and Certain of its Officers and Directors

PHILADELPHIA, Jan. 18 /PRNewswire/ -- The law firm of Berger & Montague, P.C. announces it has filed a class action lawsuit, Goldstein v. Centerline Holding Company, et al., No. is 08-cv-00505 (SAS), in the U.S. District Court for the Southern District of New York on behalf of all purchasers of the common stock of Centerline Holding Company ("Centerline" or the "Company") (NYSE: CHC) between March 12, 2007 and December 28, 2007, inclusive (the "Class Period"). The suit alleges that Centerline, its Chief Executive Officer Marc D. Schnitzer, Chief Financial Officer Robert L. Levy, Chairman Stephen M. Ross, and Managing Trustee Jeff T. Blau ("Defendants"), violated the Securities Exchange Act of 1934.

The Complaint alleges that Defendants issued a series of materially false and misleading statements about Centerline's business model and financial condition, including statements concerning its portfolio of tax-exempt first mortgage bonds, which generated the majority of the Company's revenues and supported the Company's \$1.68 per share annual dividend. Defendants' statements concealed from the investing public that Defendants were in the midst of structuring a sale of the Company's mortgage revenue bond portfolio to a third party. On December 28, 2007, Centerline shocked the financial markets with a press release announcing that the Company had sold its "\$2.8 billion tax-exempt affordable housing bond portfolio" to a third party and, in the process, transformed the Company's business model to a pure asset management firm. As a result of this transaction, the Company disclosed that it would be slashing its annual dividend from \$1.68 per share to only \$0.60 per share. Even more shocking was the revelation that Defendants had entered into a related party transaction with a company owned by certain of the Defendants called The Related Companies, L.P. ("TRCLP"), whereby TRCLP agreed to provide Centerline \$131 million in financing, in exchange for 12.2 million shares of newly-issued convertible preferred stock that will pay Company insiders an 11% dividend. In reaction to this news, the price of Centerline stock plummeted from \$10.27 per share on December 27, 2007, to close at \$7.70 per share on December 28, 2007, representing a 25% single-day decline, on unusually heavy trading volume of 4,152,688 shares.

If you purchased Centerline common stock between March 12, 2007 and December 28, 2007 and sustained losses, you may, no later than March 18, 2008, request that the Court appoint you as lead plaintiff. A lead plaintiff is a representative party acting on behalf of other class members in directing the litigation. If you wish to discuss this action or your rights as an investor in Centerline during the Class Period, please contact Berger & Montague toll free at 1-888-891-2289 or at investorprotect@bm.net for a more thorough explanation of the lead plaintiff selection process and the litigation. A copy of the complaint is available from the Court, or can be viewed on Berger & Montague, P.C.'s website at <http://www.bergermontague.com>.

The law firm of Berger & Montague, P.C. consists of over 60 attorneys, all of whom represent plaintiffs in complex litigation. The Berger firm has extensive experience representing institutions and other investor plaintiffs in class action securities litigation and has played lead roles in major cases over the past 30 years that have resulted in recoveries of billions of dollars to investors. The firm has represented investors as lead counsel in such leading securities actions as Rite Aid, Sotheby's, CIGNA, Waste Management, Sunbeam, Boston Chicken and IKON Office Solutions. The standing of Berger & Montague, P.C. in successfully conducting major securities litigation has been recognized by numerous courts. For example:

PRN Berger & Montague, P.C. Files Class Action Lawsuit Against
Jan 18 2008 22:01:51 GMT

"In short, it would be hard to equal the skill class counsel demonstrated here." In Re Rite Aid Corporation Securities Litigation, MDL Docket No. 1360, Master File No. 99-1349 (E.D. Pa.) (\$334 million settlement).

"Class Counsel did a remarkable job in representing the class interests." In re IKON Office Solutions Securities Litigation, Civil Action No. 98-4286 (E.D. Pa.) (partial settlement for \$111 million).

"[Y]ou have acted the way lawyers at their best ought to act. And I have had a lot of cases In 15 years now as a judge and I cannot recall a significant case where I felt people were better represented than they are here I would say this has been the best representation that I have seen." In re Waste Management, Inc. Securities Litigation, Civil Action No. 97-C7709 (N.D. Ill.) (\$220 million settlement).

"The Court is aware of and attests to the skill and efficiency of class counsel: they have been diligent in every respect, and their briefs and arguments before the Court were of the highest quality. The firm of Berger & Montague took the lead in the Court proceedings; its attorneys were well prepared, articulate and persuasive." In re CIGNA Corp. Securities Litigation, Master File No. 2:02-CV-8088 (E.D. Pa.) (\$93 million settlement).

"... [W]e have had some marvelous counsel appear before us and make superb arguments, but they really don't come any better than Mrs. Savett" In re U.S. Bioscience Securities Litigation, Civil Action No. 92-0678 (E.D. Pa.) (\$15.25 million settlement).

If you purchased Centerline common stock during the Class Period, or have any questions concerning this notice or your rights with respect to this matter, please contact:

Sherrie R. Savett, Esq.
Barbara A. Podell, Esq.
Eric Lechtzin, Esq.
Kimberly A. Walker, Investor Relations Manager
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1622 Locust Street
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SOURCE Berger & Montague, P.C.

CONTACT:

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-0- Jan/18/2008 22:01 GMT

Exhibit D



LABATON SUCHAROW LLP

INVESTOR PROTECTION LITIGATION

THE FIRM AND ITS ACHIEVEMENTS

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Founded in 1963, Labaton Sucharow LLP (“Labaton Sucharow”) is an internationally respected law firm based in New York City and has relationships throughout the U.S., Europe and the world. The Firm consists of more than 60 attorneys and a professional support staff that includes certified public accountants, licensed private investigators, resident securities analysts and 10 paralegals. The Firm prosecutes major complex litigation in the United States, and has successfully conducted a wide array of representative actions (principally class, mass and derivative) in the areas of securities, antitrust, merger/ acquisition, limited partnership, ERISA, product liability, and consumer litigation. Labaton Sucharow’s Investor Protection Litigation Group offers comprehensive services for our institutional investor clients and has recovered, through trial and settlement, more than \$3 billion for the benefit of investors who have been victimized by such diverse schemes as stock price manipulation, mismanagement, and fraudulent offerings of securities. Through its efforts, the litigation group has also obtained meaningful corporate governance reforms to minimize the likelihood of repetitive wrongful conduct. Visit our website at www.labaton.com for more information about our dynamic firm.

CORPORATE GOVERNANCE

Labaton Sucharow is committed to corporate governance reform. The Firm is a patron of the John L. Weinberg Center for Corporate Governance of the University of Delaware (“The Center”). The Center provides a forum for business leaders, directors of corporate boards, the legal community, academics, practitioners, graduate and undergraduate students, and others interested in corporate governance issues to meet and exchange ideas. One of Labaton Sucharow’s senior partners, Edward Labaton, is a member of the Advisory Committee of The Center. Additionally, Mr. Labaton has for more than 10 years served as a member of the Program Planning Committee for the annual ALI-ABA Corporate Governance Institute, and serves on the Task Force on the Role of Lawyers in Corporate Governance of the Association of the Bar of the City of New York.

On behalf of its institutional and individual investor clients, Labaton Sucharow has achieved some of the largest precedent-setting settlements since the enactment of the Private Securities Litigation Reform Act of 1995 (“PSLRA”), and has helped avert future instances of securities fraud by negotiating substantial corporate governance reforms as conditions of many of its largest settlements.

Because of the depth of their experience and deep commitment to the principles of corporate governance, many Labaton Sucharow partners have served as featured speakers on topics relating to corporate governance and reform at various symposia and lectures.

As a result of Labaton Sucharow’s extensive experience and commitment to corporate governance reform, the Firm’s clients have secured meaningful reforms, in addition to substantial monetary recoveries, in significant settlements such as:

- ***In re Waste Management, Inc. Securities Litigation***, Civ. No. H-99-2183 (S.D. Tex.): Labaton Sucharow, acting as Lead Counsel for the State of Connecticut Retirement Plans & Trust Funds, caused the Company to present a binding resolution to declassify its board of directors, which was approved by its shareholders. As a consequence of Labaton Sucharow's efforts, the Company further agreed to amend its Audit Committee charter, which led to its enhanced effectiveness.
- ***In re Vesta Insurance Group Securities Litigation***, Civ. No. CV-98-W-1407-S (N.D. Ala.): Labaton Sucharow, acting as Lead Counsel for the Florida State Board of Administration, caused the Company to adopt provisions requiring that: (i) a majority of its Board members be independent; (ii) at least one independent director be experienced in corporate governance; (iii) the audit, nominating and compensation committees be comprised entirely of independent directors; and (iv) the audit committee comply with the recommendations of the Blue Ribbon Panel on the effectiveness of audit committees.
- ***In re Orbital Sciences Corporation Securities Litigation***, Civ. No. 99-197-A (E.D. Va.): Labaton Sucharow, acting as Lead Counsel for the New York City Pension Funds, negotiated the implementation of measures concerning the Company's quarterly review of its financial results, the composition, role and responsibilities of its Audit and Finance committee, and the adoption of a Board resolution providing guidelines regarding senior executives' exercise and sale of vested stock options.

- ***In re Bristol-Myers Squibb Securities Litigation***, Civ. No. 00-1990 (D.N.J.):

Labaton Sucharow, acting as Lead Counsel for the LongView Collective Investment Fund of the Amalgamated Bank, negotiated noteworthy corporate governance reforms. Bristol-Myers Squibb (“BMS”) has agreed to publicly disclose the following information concerning all of its drugs marketed for at least one indication: a description of the clinical study design and methodology; results of the clinical trials; and safety results, including the reporting of adverse events seen during the clinical trials. The disclosures will be posted on BMS’s website, www.BMS.com, as well as an industry website, www.clinicalstudyresults.org. BMS has agreed to post these disclosures for a 10-year period following approval of the settlement, and has further agreed that any modifications to the disclosure protocol must be approved by the Court, at the request of Labaton Sucharow as Lead Counsel, unless the modifications increase the scope of the disclosures. The corporate reform measures obtained in this case exceed the scope of reforms obtained by New York State Attorney General Eliot Spitzer in his settlement of an action against GlaxoSmithKline (“GSK”) arising from the sale of Paxil, an antidepressant. The Paxil settlement is limited to drugs sold in the United States, whereas as a result of the BMS settlement, the company must post the clinical trial results of drugs marketed in any country throughout the world.
- ***The Boeing Company***, Civ. No. 03 CH 15039 and Civ. No. 03 CH 16301 (Cook Co., Ill, Ch. Div.): In 2006, Labaton Sucharow, acting as Lead Counsel for Plaintiffs in a derivative class action against the directors of The Boeing Company (“Boeing”), achieved a landmark settlement establishing unique and far-reaching

corporate governance standards relating to ethics compliance, provisions that obligated Boeing to contribute significant funds over and above base compliance spending to implement the various prescribed initiatives. The terms were well designed to provide for early detection and prevention of corporate misconduct. They were comprehensive and integrated, enhancing effectiveness by providing for top-down oversight, direction and planning; and buttressed by extensive and coordinated bottom-up and horizontal reporting. They were also designed to enhance Board independence and effectiveness and, by creating a direct reporting role to the Board, the independence of the management level oversight functions.

NOTABLE LEAD COUNSEL APPOINTMENTS

Labaton Sucharow's institutional and individual investor clients are regularly appointed by federal courts to serve as lead plaintiffs in prominent securities litigations brought under the PSLRA. Since January 2003, dozens of state, city and county public pension funds and union funds have selected Labaton Sucharow to represent them in federal securities class actions and advise them as securities litigation/investigation counsel. Listed below are a few of our current notable Lead Counsel appointments.

IN RE AMERICAN INTERNATIONAL GROUP, INC. SECURITIES LITIGATION,
No. 04 Civ. 8141 (JES) (S.D.N.Y.)

Representing the State of Ohio as Lead Plaintiff.

IN RE HEALTHSOUTH CORPORATION SECURITIES LITIGATION,
Consolidated Case No. CV-03-BE-1501-S (N.D. Ala.)

Representing New Mexico State Investment Counsel,
the Educational Retirement Board of New Mexico,
and the State of Michigan Retirement System
as Co-Lead Plaintiffs.

IN RE AMGEN INC. SECURITIES LITIGATION
No. CV 07-2356 PSG (C.D. CAL.)

Representing Connecticut Retirement Plans and Trust Funds

PAPPAS V. COUNTRYWIDE FINANCIAL CORP.
No. C 07-5295 MRP (MANX) (C.D. CAL.)

Representing the State of New York and the New York City Pension Funds

TRIAL EXPERIENCE

Few securities class action cases go to trial. But when it is in the best interests of its clients and the class, Labaton Sucharow repeatedly has demonstrated its willingness and ability to try these complex securities cases before a jury.

Labaton Sucharow's recognized willingness and ability to bring cases to trial significantly increases the ultimate settlement value for shareholders. For example, in *In re Real Estate Associates Limited Partnership Litigation*, when defendants were unwilling to settle for an amount Labaton Sucharow and its clients viewed as fair, we tried the case with co-counsel for six weeks and obtained a landmark \$184 million jury verdict in November 2002. The jury supported plaintiffs' position that defendants knowingly violated the federal securities laws, and that the general partner had breached his fiduciary duties to plaintiffs. The \$184 million award was one of the largest jury verdicts returned in any PSLRA action and one in which the plaintiff class, consisting of 18,000 investors, recovered 100% of their damages.

NOTABLE SUCCESSES

Labaton Sucharow has achieved notable successes in major securities litigations on behalf of its clients and certified investor classes.

- Labaton Sucharow served as Lead Counsel to the Connecticut Retirement Plans and Trust Funds in ***In re Waste Management, Inc. Securities Litigation***, Civ. No. H-99-2183 (S.D. Tex.). In 2002, Judge Melinda Harmon approved an extraordinary settlement that provided for recovery of \$457 million in cash, plus an array of far-reaching corporate governance measures. At that time, this settlement was the largest common fund settlement of a securities action achieved in any court within the Fifth Circuit and the third-largest achieved in any federal court in the nation. Judge Harmon noted, among other things, that Labaton Sucharow “obtained an outstanding result by virtue of the quality of the work and vigorous representation of the Class.”
- Labaton Sucharow served as Lead Counsel representing the class and Lead Plaintiff, the LongView Collective Investment Fund of the Amalgamated Bank, in ***In re Bristol-Myers Squibb Securities Litigation***, Civ. No. 00-1990 (D.N.J.). After prosecuting securities fraud claims against BMS for more than five years, Labaton Sucharow reached an agreement to settle the claims for \$185 million and significant corporate governance reforms. This settlement is the second largest recovery against a pharmaceutical company, and it is the largest recovery ever obtained against a pharmaceutical company in a securities fraud case involving the development of a new drug. Moreover, the settlement is the largest ever obtained against a pharmaceutical company in a securities fraud case that did not involve a restatement of financial results.
- Labaton Sucharow represented the Florida State Board of Administration as Lead Plaintiff in ***In re Vesta Insurance Group, Inc. Securities Litigation***, Civ.

No. CV-98-AR-1407 (N.D. Ala.). After years of protracted litigation, Labaton Sucharow secured a settlement of \$78 million on the eve of trial.

- In *Abrams v. VanKampen Funds, Inc.*, 01 C 7538 (N.D. Ill.), in January 2006 Labaton Sucharow obtained final approval of a \$31.5 million settlement in an innovative class action concerning VanKampen's senior loan mutual fund, alleging that the fund overpriced certain senior loan interests where market quotations were readily available. The gross settlement fund constitutes a recovery of about 70% of the class's damages as determined by plaintiffs' counsel.
- Labaton Sucharow represented the named New York City pension funds as Lead Plaintiff in *In re Orbital Sciences Corp. Securities Litigation*, Civ. No. 99-197-A (E.D. Va.). After cross-motions for summary judgment were fully briefed, defendants (and Orbital's auditor in a related proceeding) agreed to a \$23.5 million cash settlement, warrants, and substantial corporate governance measures.
- In *In re CapRock Communications Corp. Securities Litigation*, Civ. No. 3-00-CV-1613-R (N.D. Tex.), Labaton Sucharow represented a prominent Louisiana-based investment adviser in claims alleging violations of the federal securities laws. The case settled for \$11 million in 2003.
- In the well-known *In re Prudential Securities Inc. Limited Partnership Litigation*, Civ. No. M-21-67 (S.D.N.Y.), the late Judge Milton Pollack cited the "Herculean" efforts of Labaton Sucharow and its Co-Lead Counsel and, in approving a \$110 million partial settlement, stated that "this case represents a

unique recovery – a recovery that does honor to every one of the lawyers on your side of the case.”

- In ***In re PaineWebber Limited Partnerships Litigation***, Master File No. 94 Civ. 832/7 (SHS) (S.D.N.Y.), Judge Sidney H. Stein approved a settlement valued at \$200 million and found “that Class Counsel’s representation of the Class has been of high caliber in conferences, in oral arguments and in work product.”
- In ***Rosengarten v. International Telephone & Telegraph Corp.***, Civ. No. 76-1249 (N.D.N.Y.), Judge Morris Lasker noted that the Firm “served the corporation and its stockholders with professional competence as well as admirable intelligence, imagination and tenacity.”
- In ***In re Prudential-Bache Energy Income Partnerships Securities Litigation***, MDL No. 888, an action in which Labaton Sucharow served on the Executive Committee of Plaintiffs’ Counsel, Judge Marcel Livaudais, Jr., of the United States District Court for the Eastern District of Louisiana, observed that:

Counsel were all experienced, possessed high professional reputations and were known for their abilities. Their cooperative effort in efficiently bringing this litigation to a successful conclusion is the best indicator of their experience and ability

The Executive Committee is comprised of law firms with national reputations in the prosecution of securities class action and derivative litigation. The biographical summaries submitted by each member of the Executive Committee attest to the accumulated experience and record of success these firms have compiled.
- In ***New York City Employees’ Retirement System v. Adelphia Communications Corp.***, Civ. No. 02-CV-3778 (E.D. Pa.), Labaton Sucharow is prosecuting two individual securities actions on behalf of certain New York City

Pension Funds and on behalf of the New Jersey Division of Investment, each against Adelphia Communications Corp., its directors, officers, underwriters and auditors. To date, the Court has issued several decisions resolving aspects of the motions to dismiss made by defendants. One of those decisions upheld the standing of the New Jersey Division to sue on behalf of the pension and retirement funds of certain New Jersey State agencies. In addition, the New York City Funds and the New Jersey Division have moved for partial summary judgment against three individual defendants, including John and Timothy Rigas, based upon those defendants' convictions in related criminal proceedings.

- In ***STI Classic Funds v. Bollinger Industries, Inc.***, No. 96-CV-0823-R (N.D. Tex.), Labaton Sucharow commenced related suits in both state and federal courts in Texas on behalf of STI Classic Funds and STI Classic Sunbelt Equity Fund, affiliates of the SunTrust Bank, the fifth-largest bank in the United States. As a result of Labaton Sucharow's efforts, the class of Bollinger Industries, Inc. investors on whose behalf the bank sued obtained the maximum recovery possible from the individual defendants and a substantial recovery from the underwriter defendants. Notwithstanding a strongly unfavorable trend in the law in the State of Texas, and strong opposition by the remaining accountant firm defendant, Labaton Sucharow has obtained class certification and continues to prosecute the case against that firm.
- In ***In re Just for Feet Noteholder Litigation***, Civ. No. CV-00-C-1404-S (N.D. Ala.), Labaton Sucharow, as Lead Counsel, represents Lead Plaintiff Delaware Management and the Aid Association for Lutherans with respect to claims

brought on behalf of noteholders. On October 21, 2005, Chief Judge Clemon of the U.S. District Court for the Northern District of Alabama preliminarily approved Plaintiffs' settlement with Banc of America Securities LLC, the sole remaining defendant in the case, for \$17.75 million. During the course of the litigation, Labaton Sucharow obtained certification for a class of corporate bond purchasers in a ground-breaking decision, *AAL High Yield Bond Fund v. Ruttenberg*, 229 F.R.D. 676 (N.D. Ala. 2005), which is the first decision by a federal court to explicitly hold that the market for high-yield bonds such as those at issue in the action was efficient.

- In *In re InterMune Securities Litigation*, Master File No. 03-2454 SI (N.D. Cal. 2005), Labaton Sucharow commenced an action on behalf of its client, a substantial investor, against InterMune, a biopharmaceutical firm, and certain of its officers, alleging securities fraud in connection with InterMune's sales and marketing of a drug for off-label purposes. Notwithstanding higher pleading and proof standards in the jurisdiction in which the action had been filed, Labaton Sucharow utilized its substantial investigative resources and creative alternative theories of liability to successfully obtain an early, pre-discovery settlement of \$10.4 million. The Court complimented Labaton Sucharow on its ability to obtain a substantial benefit for the Class in such an effective manner.
- In *In re St. Paul Travelers Securities Litigation*, 04-CV-3801 (D. Minn.), Labaton Sucharow was able to successfully negotiate the creation of an all cash settlement fund to compensate investors in the amount of \$67.5 million in November 2005. This settlement represents the third-largest securities class action

settlement in the Eighth Circuit and one of the top 100 largest settlements of all time.

- In ***In re El Paso Corporation Securities Litigation***, Civ. No. H-02-2717 (S.D. Tex.), Labaton Sucharow secured a \$285 million class action settlement against the El Paso Corporation. The case involved a securities fraud stemming from the Company's inflated earnings statements, which cost shareholders hundreds of millions of dollars during a four-year span. The settlement was approved by the Court on March 6, 2007.
- Labaton Sucharow serves as Co-Lead Counsel in ***In re HealthSouth Securities Litigation***, Civ. No CV-03-BE-1500-S (N.D. Ala.), a case stemming from the largest fraud ever perpetrated in the healthcare industry. In early 2006, Lead Plaintiffs negotiated a settlement of \$445 million with Defendant HealthSouth. This partial settlement, comprised of cash and HealthSouth securities to be distributed to the class, is one of the largest in history. Lead Plaintiffs continue their prosecution of the litigation against Richard Scrushy, Healthsouth's former CEO, Ernst & Young, and UBS, among others.
- In ***Desert Orchid Partners, L.L.C. v. Transactions Systems Architects, Inc.***, Civ. No. 02 CV 533 (D. Neb.), Labaton Sucharow represented the Genesee Employees' Retirement System as Lead Plaintiff in claims alleging violations of the federal securities laws. On March 2, 2007, the Court granted final approval to the settlement of this action for \$24.5 million in cash.
- In ***In re SupportSoft Securities Litigation***, Civ. No. C 04-5222 SI (N.D. Cal.), Labaton Sucharow secured a \$10.7 million settlement on October 2, 2007 against

SupportSoft, Inc. The action alleged that the Defendants had artificially inflated the price of the Company's securities by re-working previously entered into license agreements for the Company's software in order to accelerate the recognition of revenue from those contracts.

- ***In re St. Paul Traveler's II Securities Litigation***, Civ. No. 04-4697 (JRT/FLN) (D. Minn.), the second of two cases filed against St. Paul Travelers by Labaton Sucharow LLP, arose from the industry-wide insurance scandal involving American International Group, Marsh McLennan, the St. Paul Companies and numerous other insurance providers and brokers. On January 31, 2008, the Court preliminary approved a \$77 million settlement.

NOTABLE SUCCESSES IN OPTIONS BACKDATING CASES

- In ***In re Mercury Interactive Corp. Securities Litigation***, Civ. No. 5:05-CV-3395 (N.D. Cal.), Labaton Sucharow reached an agreement to settle for \$117.5 million, which is currently the largest settlement agreement to date in an options backdating case. The allegations in *Mercury* concern backdated option grants used to compensate employees and officers of the Company. Mercury's former CEO, CFO, and General Counsel actively participated in and benefited from the options backdating scheme, which came at the expense of Mercury shareholders and the investing public. The settlement is subject to Court approval.
- In ***In re American Tower Corporation Securities Litigation***, Civ. No. 06 CV 10933 (MLW) (D. Mass.), Labaton Sucharow represented the Steamship Trade Association-International Longshoreman's Association Pension Fund (STA-ILA)

in claims alleging that certain of American Tower Corporation's current and former officers and directors improperly backdated the Company's stock option grants and made materially false and misleading statements to the public concerning the Company's financial results and option grant policies and accounting, causing damages to investors. On December 14, 2007, Labaton Sucharow reached an agreement to settle for \$14 million.

- Labaton Sucharow serves as Lead Counsel in *In re HCC Insurance Holdings, Inc. Securities Litigation*, Civ. No. 4:07-cv-801 (S.D. Tex.), a case alleging that certain of HCC's current and former officers and directors improperly backdated the Company's stock option grants and made materially false and misleading statements to the public concerning the Company's financial results and option grant policies and accounting, causing damages to investors. On February 11, 2008, Labaton Sucharow reached an agreement to settle for \$10 million.

Among the institutional investor clients Labaton Sucharow represents and advises are:

Academy Capital Management
Arkansas Carpenters Pension Fund
Asbestos Workers Local 24
Baltimore County Retirement System
State-Boston Retirement System
California Public Employees' Retirement System
Central Laborers' Pension Fund
Connecticut Retirement Plans and Trust Funds
Genesse County Employees' Retirement System
Iron Workers Local 16
Town of Jupiter Police Officer's Retirement Fund
Lawndale Capital Management

LongView Collective Investment Fund of the Amalgamated Bank
City of Macon
Commonwealth of Massachusetts Pension Reserves Investment Trust
Metropolitan Atlanta Rapid Transit Authority
Michigan Retirement Systems
Mississippi Public Employees' Retirement System
Division of Investment of the New Jersey Department of the Treasury
Office of the New Mexico Attorney General and several of its Retirement Systems
City of New Orleans Employees' Retirement System
Norfolk County Retirement System
Office of the Ohio Attorney General and several of its Retirement Systems
Pirate Capital LLC
Robino Stortini Holdings LLC
San Francisco Employees' Retirement System
St. Denis J. Villere & Co.
Steamship Trade Association/International Longshoremen's Association
SunTrust Banks, Inc.

COMMENTS ABOUT OUR FIRM BY THE COURTS

Many federal judges have commented favorably on the Firm's expertise and results achieved in securities class action litigation. Judge John E. Sprizzo complimented the Firm's work in *In re Revlon Pension Plan Litigation*, Civ. No. 91-4996 (JES) (S.D.N.Y.). In granting final approval to the settlement, Judge Sprizzo stated that "[t]he recovery is all they could have gotten if they had been successful. I have probably never seen a better result for the class than you have gotten here."

Labaton Sucharow was a member of the Executive Committee of Plaintiffs' Counsel in *In re PaineWebber Limited Partnerships Litigation*, Master File No. 94 Civ. 8547 (SHS). In approving a class-wide settlement valued at \$200 million, Judge Sidney H. Stein of the Southern District of New York stated:

The Court, having had the opportunity to observe first hand the quality of Class Counsel's representation during this litigation, finds that Class Counsel's representation of the Class has been of high caliber in conferences, in oral arguments and in work product.

Judge Lechner, presiding over the \$15 million settlement in *In re Computron Software Inc. Securities Class Action Litigation*, Civ. No. 96-1911 (AJL) (D.N.J.), where Labaton Sucharow served as Co-Lead Counsel, commented that

I think it's a terrific effort in all of the parties involved . . . , and the co-lead firms . . . I think just did a terrific job.

You [co-lead counsel and] Mr. Plasse, just did terrific work in the case, in putting it all together

In *Middlesex County Retirement System v. Monster Worldwide, Inc.*, No. 07-cv-2237 (S.D.N.Y.), Judge Rakoff appointed Labaton Sucharow as lead counsel, stating that "the Labaton firm is very well known to courts for the excellence of its representation."

PRO BONO ACTIVITIES

Our attorneys devote substantial time to *pro bono* activities. Many of our attorneys participated in the Election Protection Program sponsored in 2004 by the Lawyers Committee for Civil Rights Under the Law to ensure that every voter could vote and every vote would count. In addition, the Firm's attorneys devote their time to *pro bono* activities in the fields of the arts, foundations, education, and health and welfare issues.

ATTORNEYS

Among the attorneys at Labaton Sucharow who are involved in the prosecution of securities actions are partners Edward Labaton, Lawrence A. Sucharow, Mark S. Arisohn, Eric J. Belfi, Joel H. Bernstein, Thomas A. Dubbs, Louis Gottlieb, Russel N. Jacobson, James W.

Johnson, Christopher J. Keller, Christopher J. McDonald, Jonathan M. Plasse, Hollis L. Salzman, Ira A. Schochet, Joseph V. Sternberg; of counsel attorneys Martis Alex, Jonathan Gardner, David J. Goldsmith, Anthony J. Harwood, Richard T. Joffe, Zachary M. Ratzman, and Nicole M. Zeiss; and associates Kelso Anderson, Aya Bouchededid, Javier Bleichmar, Peter W. Brueggen, Donald P. Delaney, Alan I. Ellman, Joseph A. Fonti, Ann E. Gittleman, Julie Hwang, Renu Kripalani, Craig A. Martin, Barry M. Okun, Andrei V. Rado, Serena Richardson, Michael H. Rogers, Krista Rosen, Michael W. Stocker, Stefanie J. Sundel, Stephen W. Tountas, and Ethan D. Wohl. A short description of the qualifications and accomplishments of each follows.

EDWARD LABATON, PARTNER

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An accomplished trial lawyer and Senior Partner with the Firm, Edward Labaton has devoted his 50 years of practice to representing a full range of clients in class action and complex litigation matters in state and federal court. Mr. Labaton has played a lead role as plaintiffs' class counsel in a number of successfully prosecuted high profile cases, involving companies such as PepsiCo, Dun & Bradstreet, Financial Corporation of America, ZZZZ Best, Revlon, GAF Co., American Brands, Petro Lewis and Jim Walter, as well as several Big Eight (now Four) accounting firms. He has also argued appeals in state and federal courts, achieving results with important precedential value.

Mr. Labaton has been President of the Institute for Law and Economic Policy since its founding in 1996. The Institute co-sponsors at least one annual symposium with a major law school dealing with issues relating to the civil justice system. He is also a member of the Advisory Committee of the Weinberg Center for Corporate Governance of the University of Delaware, a Director of the Lawyers' Committee for Civil Rights under Law, a member of the American Law Institute, and a life member of the ABA Foundation. In addition, Mr. Labaton

has served on the Executive Committee and has been an officer of the Ovarian Cancer Research Fund since its inception in 1996.

Mr. Labaton is the past Chairman of the Federal Courts Committee of the New York County Lawyers Association, and was a member of the Board of Directors of that organization. He is an active member of the Association of the Bar of the City of New York, where he was Chair of the Senior Lawyers' Committee and served on its Task Force on the Role of Lawyers in Corporate Governance. He has also served on its Federal Courts, Federal Legislation, Securities Regulation, International Human Rights and Corporation Law Committees. He also served as Chair of the Legal Referral Service Committee, a joint committee of the New York County Lawyers' Association and the Association of the Bar of the City of New York. He has been an active member of the American Bar Association, the Federal Bar Council and the New York State Bar Association, where he has served as a member of the House of Delegates.

For more than 30 years, he has lectured in the areas of federal civil litigation, securities litigation and corporate governance. Mr. Labaton graduated *cum laude* with a B.B.A. from Baruch College, City College of New York in 1952 and earned his LL.B. from Yale University in 1955. He is admitted to practice in New York and the United States Supreme Court.

LAWRENCE A. SUCHAROW, CHAIRMAN

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Lawrence A. Sucharow, a nationally recognized leader of the securities class action bar, is the Chairman of Labaton Sucharow. In this capacity, he participates in developing the litigation and settlement strategies for virtually all of the class action cases Labaton Sucharow prosecutes.

For more than three decades, Mr. Sucharow has devoted his practice to counseling clients and prosecuting cases on complex issues involving securities, antitrust, business transaction,

product liability, and other class actions. Mr. Sucharow has successfully recovered more than \$1 billion on behalf of institutional investors such as state, city, county and union pension funds, shareholders of public companies, bondholders, purchasers of limited partnership interests, purchasers of consumer products and individual investors.

Mr. Sucharow recently obtained \$225 million in savings for the class of *In re CNL Resorts, Inc. Securities Litigation*. In other recently settled actions, Mr. Sucharow undertook a lead role in obtaining benefits for class members of \$200 million (*In re Paine Webber Incorporated Limited Partnerships Litigation*); \$110 million partial settlement (*In re Prudential Securities Incorporated Limited Partnerships Litigation*); \$91 million (*In re Prudential Bache Energy Income Partnerships Securities Litigation*); and more than \$92 million (*Shea v. New York Life Insurance Company*). In approving the *Prudential* settlement, Judge Milton Pollack referred to the efforts of plaintiffs' counsel as "Herculean," stating: "...this case represents a unique recovery – a recovery that does honor to every one of the lawyers on your side of the case."

In addition, in 2002 Mr. Sucharow served as Co-Trial Counsel in a six-week trial of a federal securities law claim on behalf of 18,000 passive investors in the Real Estate Associates limited partnerships. That trial resulted in an unprecedented \$182 million jury verdict.

Mr. Sucharow is a member of the Federal Bar Council's Committee on Second Circuit Courts, and the Federal Courts Committee of the New York County Lawyers' Association. He is also a member of the Securities Law Committee of the New Jersey State Bar Association and was the founding chairman of the Class Action Committee of the Commercial and Federal Litigation Section of the New York State Bar Association from 1988-1994. He was honored by his peers by his election to serve as President of the National Association of Shareholder and

Consumer Attorneys (NASCAT), a membership organization of approximately 100 law firms which practice complex civil litigation including class actions.

Mr. Sucharow earned a B.B.A., *cum laude*, from Baruch School of the City College of the City University of New York in 1971 and a J.D., *cum laude*, from Brooklyn Law School in 1975.

Mr. Sucharow is admitted to practice in New York and New Jersey and the United States Supreme Court.

MARK S. ARISOHN, PARTNER

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Mark S. Arisohn focuses his practice on securities class action litigation.

For the past 33 years, Mr. Arisohn specialized in complex criminal and civil litigation with an emphasis on white collar criminal matters. He has appeared in the state and federal courts nationwide, and appeared before the United States Supreme Court in the landmark insider trading case of *Chiarella v. United States*.

Mr. Arisohn brings his extensive trial experience to the prosecution of securities class actions. He has defended individuals and corporations accused of bank fraud, mail and wire fraud, securities fraud and RICO violations. He has represented public officials, individuals and companies in the construction and securities industries as well as professionals accused of regulatory offenses and professional misconduct. He also has appeared as trial counsel for both plaintiffs and defendants in civil fraud matters and corporate and business commercial matters, including shareholder litigation, breach of contract claims, and cases involving such business torts as unfair competition and misappropriation of trade secrets.

A prominent trial lawyer, Mr. Arisohn has also authored numerous articles including "Electronic Eavesdropping," *New York Criminal Practice*, LEXIS - Matthew Bender, 2005;

“Criminal Evidence,” *New York Criminal Practice*, Matthew Bender, 1986; and “Evidence,” *New York Criminal Practice*, Matthew Bender, 1987. He was a contributing author of *Business Crime*, Matthew Bender, 1981.

Mr. Arisohn is an active member of the Association of the Bar of the City of New York and has served on its Judiciary Committee, the Committee on Criminal Courts, Law and Procedure, the Committee on Superior Courts and the Committee on Professional Discipline. He serves as a mediator for the Complaint Mediation Panel of the Association of the Bar of the City of New York and as a hearing examiner for the New York State Commission on Judicial Conduct.

He earned his B.S. and M.S. degrees from Cornell University in 1968 and 1969 and received his J.D. from Columbia University School of Law in 1972.

Mr. Arisohn is admitted to practice in New York and the District of Columbia as well as the following federal courts: the United States Supreme Court; the United States Court of Appeals for the Second Circuit; and the United States District Courts for the Southern, Eastern and Northern Districts of New York; the Northern District of Texas; and the Northern District of California.

ERIC J. BELFI, PARTNER

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Eric J. Belfi, a partner in the New York office of Labaton Sucharow, is an accomplished litigator in a broad range of commercial matters. He concentrates his practice in the investigation and initiation of securities and shareholder class actions, with an emphasis on the representation of major international and domestic pension funds and other institutional investors.

Prior to entering private practice, Mr. Belfi served as an Assistant Attorney General for the State of New York and an Assistant District Attorney for the County of Westchester. As a prosecutor, Mr. Belfi investigated and prosecuted numerous white-collar criminal cases, including securities law violations. In this capacity, he presented hundreds of cases to the grand jury and obtained numerous felony convictions after jury trials.

Mr. Belfi is a regular speaker and author on issues involving shareholder litigation, particularly as it relates to international institutional investors. He recently co-authored “The Proportionate Trading Model: Real Science or Junk Science?” 52 *Cleveland St. L. Rev.* 391 (2004-05) and “International Strategic Partnerships to Prosecute Securities Class Actions, Investment & Pensions Europe.” In 2005, he was a panelist at a program on U.S. class actions in Vicenza, Italy. Mr. Belfi has given presentations on the topics of investors’ rights and U.S. class actions in Milan, Italy in May of 2006 and April of 2007, respectively.

He received a B.A. from Georgetown University in 1992 and a J.D. from St. John’s University School of Law in 1995. Mr. Belfi is an associate prosecutor for the Village of New Hyde Park, and is also a member of the Federal Bar Council and the Association of the Bar of the City of New York.

Mr. Belfi is admitted to practice in the State of New York as well as the United States District Courts for the Southern and Eastern Districts of New York, the Eastern District of Michigan, the District of Colorado, and the District of Nebraska.

JOEL H. BERNSTEIN, SENIOR PARTNER

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With more than 30 years’ experience in the area of complex litigation, Joel H. Bernstein concentrates his practice in the protection of investors who have been victimized by securities

fraud and breach of fiduciary duty. His expertise in the area of shareholder litigation has resulted in the recovery of hundred of millions of dollars in damages to wronged investors.

Mr. Bernstein advises numerous large public pension funds, hedge funds, other institutional investors and individual investors with respect to securities litigation in the federal and state courts as well as in arbitration proceedings before the New York Stock Exchange, the National Association of Securities Dealers and other self-regulatory organizations.

Mr. Bernstein has played a central role in numerous high profile cases, including *In re Paine Webber Incorporated Limited Partnerships Litigation*, \$200 million settlement; *In re Prudential Securities Incorporated Limited Partnerships Litigation*, \$130 million settlement; *In re Prudential Bache Energy Income Partnerships Securities Litigation*, \$91 million settlement; *Shea v. New York Life Insurance Company*, \$92 million settlement; and, *Saunders et al. v. Gardner*, \$10 million -- then the largest punitive damage award in the history of the NASD. Most recently, Mr. Bernstein was instrumental in securing a \$117.5 million settlement in *In Re Mercury Interactive Securities Litigation*, which as of October 2007 was the largest settlement agreement to date in an options-backdating case.

A leading figure in his area of practice, Mr. Bernstein is frequently sought out by the press to comment on securities law and also has authored numerous articles on related issues, including “Stand Up to Your Stockbroker, Your Rights As An Investor.” He is a member of the American Bar Association and the New York County Lawyers’ Association.

Mr. Bernstein earned a J.D. from Brooklyn Law School in 1975 and received his undergraduate degree from Queens College in 1971.

He is admitted to practice in New York and the following federal courts: the United States Court of Appeals for the Second Circuit, the United States Court of Appeals for the Third Circuit, and the United States District Court for the Southern and Eastern Districts of New York.

THOMAS A. DUBBS, SENIOR PARTNER

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Thomas A. Dubbs specializes in the representation of institutional investors including pension funds in securities fraud and other types of litigation. A recognized leader in the field, Mr. Dubbs represented the first major private institutional investor to become a lead plaintiff in a class action under the Private Securities Litigation Reform Act.

Mr. Dubbs currently serves as Lead Counsel in the federal securities fraud class actions brought against AIG on behalf of Lead Plaintiff Ohio (comprised of several of Ohio's retirement systems) as well as Lead Counsel for the class and Lead Plaintiff New Mexico (comprised of several of New Mexico's retirement systems) in the securities class actions against St. Paul Travelers Companies, Inc. in relation to the merger between The St. Paul Companies and Travelers Property Casualty Corporation.

A Labaton Sucharow team led by Mr. Dubbs successfully litigated a class action against Bristol-Myers Squibb, which resulted in a settlement of \$185 million and major corporate governance reforms.

Mr. Dubbs also led the team of Labaton Sucharow attorneys that represented the Lead Plaintiff, the Florida State Board of Administrators, in the *Vesta Insurance Group* class action. To date, settlements with the Company and its auditor, KPMG, total more than \$79 million, which represents more than 37% of the damages sustained by the class.

Most recently, Mr. Dubbs leads the team prosecuting the *In re HealthSouth Securities Litigation* on behalf of the New Mexico State Investment Council, the Educational Retirement

Board of New Mexico, and the Michigan Pension Funds, the Court appointed Co-Lead Plaintiffs for stockholders of HealthSouth Corporation. Mr. Dubbs secured a partial settlement of \$445 million from HealthSouth over the massive fraud that led to the healthcare provider's collapse and conviction of numerous former employees.

Prior to joining Labaton Sucharow, Mr. Dubbs was Senior Vice President & Senior Litigation Counsel for Kidder, Peabody & Co. where he represented the firm in many class actions, including the *First Executive* and *Orange County* litigations. Before joining Kidder, Mr. Dubbs was head of the litigation department at Hall, McNicol, Hamilton & Clark, where he was the principal partner representing Thomson McKinnon Securities Inc. in litigation matters including class actions such as the *Petro Lewis* and *Baldwin United* litigations.

He frequently lectures to institutional investors and other groups such as the Government Finance Officers Association, the National Conference on Public Employee Retirement Systems and the Council of Institutional Investors. Most recently, he spoke at the Ohio Forum on Public Retirement.

Mr. Dubbs received a B.A. and a J.D. from the University of Wisconsin in 1969 and 1974, respectively. In 1971, he earned an M.A. from the Fletcher School of Law and Diplomacy of Tufts University. Mr. Dubbs is a member of the New York State Bar Association and the Association of the Bar of the City of New York. He is admitted to practice in New York.

LOUIS GOTTLIEB, PARTNER

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Lou Gottlieb has successfully represented institutional and individual investors in numerous securities and consumer class action cases, resulting in cumulative settlements well in excess of \$500 million.

Mr. Gottlieb was an integral part of the Firm's representation of the Connecticut Retirement Plans and Trust Funds in *In re Waste Management, Inc. Securities Litigation*, which resulted in a \$457 million settlement, one of the largest settlements ever achieved in a securities class action. The settlement also included corporate governance enhancements, including an agreement by management to support a campaign to obtain shareholder approval of a resolution to declassify its board of directors, and a resolution to encourage and safeguard whistleblowers among the company's employees.

In *In re JDS Uniphase Corporation Securities Litigation*, Mr. Gottlieb successfully argued that draconian confidentiality agreements, which hampered the ability to conduct an investigation of the company's alleged wrongdoing, must be severely limited in scope. As a result, counsel obtained statements from more than 50 former JDS employees related to the allegations in the Second Amended Complaint, which the Court sustained.

Mr. Gottlieb has led litigation teams in the Metromedia Fiber Networks, Maxim Pharmaceuticals, and PriceSmart securities fraud class action litigations as well as a consumer breach of contract class action against New York Life Annuities. He is also helping to lead major class action cases against AIG and related defendants in *In re American International Group Inc. Securities Litigation*, as well as against the company, its top officers and its outside auditor in *In re Mercury Interactive Corp. Securities Litigation*.

Mr. Gottlieb has made presentations on punitive damages at Federal Bar Association meetings and has often spoken on securities class actions for institutional investors.

Mr. Gottlieb graduated first in his class from St. John's School of Law in 1990. Prior to joining Labaton Sucharow, he clerked for the Hon. Leonard B. Wexler of the Eastern District of New York, and he was a litigation associate with Skadden Arps Slate Meagher & Flom.

Mr. Gottlieb is admitted in New York and Connecticut as well as before the United States Court of Appeals for the Fifth Circuit and the United States District Courts for the Southern and Eastern Districts of New York.

RUSSEL N. JACOBSON, PARTNER

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Russel N. Jacobson is a seasoned litigator with a depth of experience in securities and complex business cases.

Before returning to private practice, Mr. Jacobson served as a federal prosecutor for more than a decade. From 1997 through 2003, Mr. Jacobson served as an Assistant United States Attorney with the United States Attorney's Office for the District of New Jersey. While there, he investigated and prosecuted diverse federal criminal cases, including international money laundering offenses, frauds, and additional federal crimes.

From 1991 through 1997, Mr. Jacobson was a trial attorney with the Fraud Section of the Criminal Division at the United States Department of Justice in Washington, D.C. While at the Fraud Section, Mr. Jacobson investigated and prosecuted complex business crimes, including financial institution fraud, securities fraud, and other white-collar offenses.

During his service as a federal prosecutor, Mr. Jacobson conducted numerous trials and received many awards in recognition of the excellence of his work.

Mr. Jacobson began his legal career by serving as a law clerk to then Judge (now Justice) Anthony M. Kennedy on the United States Court of Appeals for the Ninth Circuit.

Mr. Jacobson earned an A.B., *magna cum laude*, from Harvard College in 1984 and a J.D., *magna cum laude*, from Harvard Law School in 1987.

Prior to joining Labaton Sucharow, Mr. Jacobson was a partner specializing in securities litigation at another well-known plaintiffs' law firm. Earlier in his career, Mr. Jacobson was a litigation associate at a major Washington, D.C. law firm.

Mr. Jacobson is admitted to practice in New York, the District of Columbia, and Massachusetts, and before the following federal courts: the United States District Courts for the Southern and Eastern Districts of New York, the United States District Court for the District of Massachusetts, and the United States Court of Appeals for the Fourth Circuit.

JAMES W. JOHNSON, PARTNER

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James W. Johnson specializes in complex litigation, with primary emphasis on class actions involving securities fraud.

Mr. Johnson has successfully litigated a number of high profile securities and RICO class actions, including: *In re Bristol-Myers Squibb Co. Securities Litigation*, in which the Court, after approving a settlement of \$185 million coupled with significant corporate governance reforms, recognized Plaintiff's counsel as "extremely skilled and efficient"; *In re HealthSouth Corp. Securities Litigation*, which resulted in a partial settlement of \$445 million; *In re Vesta Insurance Group, Inc. Securities Litigation*, which resulted in a partial recovery of \$78 million for the Plaintiff class; and *Murphy v. Perelman*, which, along with a companion federal action, *In re National Health Laboratories, Inc. Securities Litigation*, brought by Co-Counsel, resulted in a recovery of \$80 million. In *County of Suffolk v. Long Island Lightning Co.*, Mr. Johnson represented the Plaintiff in a RICO class action, securing a jury verdict after a two-month trial, which resulted in a \$400 million settlement. The Second Circuit, in awarding attorneys' fees to Plaintiff, quoted the trial judge, Honorable Jack B. Weinstein, as stating "counsel [has] done a superb job [and] tried this case as well as I have ever seen any case tried."

Mr. Johnson also assisted in prosecuting environmental damage claims on behalf of Native Americans resulting from the Exxon Valdez oil spill.

Mr. Johnson is the co-author of “RICO: Judiciary Devises New Theories In Effort To Dismiss Civil Suits,” *The National Law Journal*, Feb. 12, 1990, and “Special Trial Issues In RICO Actions,” *Civil RICO 1989*, Practising Law Institute 1989. He is a member of the American Bar Association and the Association of the Bar of the City of New York, where he served on the Federal Courts Committee.

Mr. Johnson received a B.A. from Fairfield University in 1977 and a J.D. from New York University School of Law in 1980, where he was the recipient of the Ann Petluck Poses Memorial Award.

CHRISTOPHER J. KELLER, PARTNER

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Christopher J. Keller concentrates his practice in sophisticated securities class action litigation in federal courts throughout the country. Mr. Keller was a member of the trial team that successfully litigated the *In re Real Estate Associates Limited Partnership Litigation* in the United States District Court for the Central District of California. The six-week jury trial resulted in a landmark \$184 million plaintiffs’ verdict, which is one of the largest jury verdicts since the passage of the Private Securities Litigation Reform Act of 1995.

Mr. Keller is very active in investigating and initiating securities and shareholder class actions. He also concentrates his efforts on educating institutional investors on developing trends in the law and new case theories. Mr. Keller is a regular speaker at institutional investor gatherings as well as a frequent speaker at continuing legal education seminars relating to securities class action litigation.

Mr. Keller is the co-author of an article entitled “Tellabs: PSLRA Pleading Test Comparative, Not Absolute,” *New York Law Journal*, October 3, 2007.

Mr. Keller received a B.S. from Adelphi University in 1993 and a J.D. from St. John’s University School of Law in 1997. He is admitted to practice in New York and the United States District Courts for the Southern and Eastern Districts of New York. He is a member of several professional groups, including the New York State Bar Association and the New York County Lawyers’ Association.

CHRISTOPHER J. McDONALD, PARTNER

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Christopher J. McDonald, a member of the Firm’s Antitrust Practice Group, represents businesses, associations and individuals injured by anticompetitive activities. Mr. McDonald’s practice also involves representing institutional investors in securities fraud cases.

Mr. McDonald was part of the team that successfully litigated *In re Bristol-Myers Squibb Securities Litigation*, in which Labaton Sucharow secured a \$185 million settlement on behalf of Bristol-Myers Squibb shareholders, as well as meaningful corporate governance reforms. He has also worked on *In re Natural Gas Commodity Litigation*, a still active case that to date has generated almost \$73 million in settlement funds for a class of traders who purchased, sold or settled New York Mercantile Exchange contracts.

In an ongoing case, *In re TriCor Indirect Purchaser Antitrust Litigation*, Mr. McDonald represents end-payors of the prescription drug TriCor (e.g., union health and welfare funds and consumers), who claim that the drug’s manufacturer and U.S. marketer unlawfully impeded the introduction of lower-priced generic alternatives to TriCor. Other cases in which Mr. McDonald is currently involved include the *Air Cargo Shipping Services* and *Foundry Resins* antitrust cases.

A litigator for most of his career, Mr. McDonald also has in-house and regulatory experience. As a senior attorney with a telecommunications company he regularly addressed legal, economic and public policy issues before state public utility commissions.

Mr. McDonald received his undergraduate degree, *cum laude*, from Manhattan College in 1985 and a J.D. from Fordham University School of Law in 1992, where he was on the Law Review.

Mr. McDonald is admitted to practice in New York and before the United States Court of Appeals for the Second Circuit and the United States District Courts for the Southern and Eastern Districts of New York.

JONATHAN M. PLASSE, SENIOR PARTNER

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An accomplished litigator, Jonathan M. Plasse has devoted over 25 years of his practice to the prosecution of complex cases involving securities class action, derivative, transactional, and consumer litigation. His most recent successes include serving as Co-Lead Counsel, where a \$285 million settlement was just recently announced in the securities class action, *In re El Paso Corporation Securities Litigation*, and as Lead Counsel in *In re Waste Management Inc. Securities Litigation*, where he represented the Connecticut Retirement Plans and Trusts Funds, and obtained a settlement of \$457 million. He also served as Lead Counsel in *Orbital Sciences Corporation Securities Litigation*, where he represented the New York City Pension Funds and secured a \$23.5 million settlement on the eve of trial.

Mr. Plasse is a member of the New York State Bar Association and the Association of the Bar of the City of New York. He is admitted to practice in New York.

Mr. Plasse received a B.A. degree, *magna cum laude*, from the State University of New York in Binghamton in 1972. He received a J.D. from Brooklyn Law School in 1976, where he served as a member of the *Brooklyn Journal of International Law*.

HOLLIS L. SALZMAN, PARTNER

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Hollis L. Salzman is a partner in the Firm's Antitrust Practice Group. She represents businesses and consumers in cases involving federal and state antitrust law violations. She is also involved in the Firm's securities litigation practice group where she represents institutional investors in portfolio monitoring and securities litigation. Some of Ms. Salzman's clients include MARTA and the City of Macon, Georgia.

Ms. Salzman is actively engaged in the prosecution of major antitrust class actions pending throughout the United States. She is presently Co-Lead Counsel in many antitrust cases, including *In re Abbott Labs Norvir Antitrust Litigation* which is set for trial in June 2008, *In re OxyContin Antitrust Litigation*, *In re Air Cargo Shipping Services Antitrust Litigation* and *Plavix Antitrust Litigation*. She is also actively involved in other pending major antitrust litigations, including *In re Funeral Antitrust Litigation*, *In re Pineapple Antitrust Litigation*, *In re New Motor Vehicles Canadian Export Antitrust Litigation*, *In re Marine Hoses Antitrust Litigation* and *In re Live Rock Concert Antitrust Litigation*.

She also served as Co-Lead Counsel in several antitrust class actions which resulted in extraordinary settlements for consumers and third-party payors: *In re Buspirone Antitrust Litigation* (\$90 million settlement); *In re Lorazepam & Clorazepate Antitrust Litigation* (\$135.4 million on behalf of third-party payors, and \$100 million on behalf of consumers in conjunction with the Federal Trade Commission and State Attorneys General actions); also *In re Maltol Antitrust Litigation*, and *Continental Seasonings Inc. v. Pfizer, Inc., et al.*, (\$18.45 million on

behalf of direct purchasers of chemical food additives). Additionally, she was principally responsible for administering a \$65 million settlement with certain brand-name prescription drug manufacturers where their conduct allegedly caused retail pharmacy customers to overpay for their prescription drugs.

Ms. Salzman is a Co-Chair of the New York State Bar Association, Commercial & Federal Litigation Section — Antitrust Committee and is co-author of an article entitled “The State of State Antitrust Enforcement,” NYSBA *NYLitigator*, Winter 2003, Vol. 8, No. 1. She is also a member of the Association of the Bar of the City of New York Antitrust Committee and Women’s Antitrust Bar Association. Ms. Salzman also provides *pro bono* representation to indigent and working-poor women in matrimonial and family law matters.

Ms. Salzman earned a B.A. from Boston University in 1987 and a J.D. from Nova University School of Law in 1992. She is admitted to practice in New York, New Jersey and Florida as well as before the United States District Courts for the Southern and Middle Districts of Florida; the United States District Courts for the Southern and Eastern Districts of New York; and the United States Court of Appeals for the Eleventh Circuit.

IRA A. SCHOCHET, PARTNER***ischochet@labaton.com***

Ira A. Schochet has 15 years’ experience in commercial litigation, with primary emphasis on class actions involving securities fraud.

Mr. Schochet has played a leading role in litigation resulting in multimillion-dollar recoveries for class members in cases against Caterpillar, Inc., Spectrum Information Technologies, Inc. and InterMune, Inc. In *Kamarasy v. Coopers & Lybrand*, a securities fraud class action, Mr. Schochet led a team that won a settlement equal to approximately 75% of the

highest possible damages that class members could have recovered. The Court in that case complimented him for “the superior quality of the representation provided to the class.”

Mr. Schochet represented one of the first institutional investors acting as a Lead Plaintiff in a post-Private Securities Litigation Reform Act case, *STI Classic Funds v. Bollinger, Inc.*, and obtained one of the first favorable rulings interpreting that statute’s intent provision.

Most recently, Mr. Schochet negotiated a settlement on behalf of investors in the *InterMune* litigation. In approving the settlement, the Court complimented Mr. Schochet’s ability to obtain a significant cash benefit for the class in a very efficient manner, saving the class from additional years of time, expense and substantial risk.

Since 1996, Mr. Schochet has acted as chairman of the Class Action Committee of the Commercial and Federal Litigation Section of the New York State Bar Association. In that capacity, he has served on the Executive Committee of the Section and was the primary author of articles and reports on a wide variety of issues relating to class action procedure. Such issues include revisions to that procedure proposed over the years by both houses of the United States Congress and the Advisory Committee on Civil Procedure of the United States Judicial Conference. Examples include “Proposed Changes in Federal Class Action Procedure, Opting Out On Opting In,” and “The Interstate Class Action Jurisdiction Act of 1999.” He also has lectured extensively on securities litigation at continuing legal education seminars.

Mr. Schochet earned a J.D. from Duke University School of Law in 1981 and received a B.A., *summa cum laude*, from the State University of New York at Binghamton in 1977. He is admitted to practice in New York, before the United States District Courts for the Southern and Eastern Districts of New York and the United States Court of Appeals for the Second Circuit.

JOSEPH V. STERNBERG, PARTNER

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Joseph V. Sternberg is a trial and appellate lawyer with more than 35 years of experience in the areas of civil and class action litigation. He has prosecuted cases that have resulted in the return of hundreds of millions of dollars to class members. Among the numerous landmark cases in which Mr. Sternberg has participated are *Limmer v. Medallion Group, Inc.*, *Koppel v. Wien*, *In re Energy Systems Equipment Leasing Securities Litigation*, *Koppel v. 4987 Corp.*, *Gunter v. Ridgewood Energy Corp.*, and *In re Real Estate Associates Limited Partnership Litigation*.

Mr. Sternberg authored “Using and Protecting Against Rule 12(b) and 9(b) Motions,” *The Practical Litigator*, September 1993.

Mr. Sternberg earned a B.A. from Hofstra University in 1963 and a J.D. from New York University School of Law in 1966. He is admitted to practice in New York, before the United States District Courts for the Southern and Eastern Districts of New York, and before the United States Courts of Appeals for the Second and Third Circuit. He has received a rating of AV from the publishers of the Martindale-Hubble Directory.

MARTIS ALEX, OF COUNSEL

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Martis Alex concentrates her practice on prosecuting complex securities fraud cases on behalf of institutional investors. She was a partner at Labaton Sucharow for more than 15 years, and Chair of the Firm’s Mass Tort Litigation practice group. Ms. Alex has extensive experience managing complex nationwide litigation, including securities class actions as well as product liability and consumer fraud litigation. She has successfully represented investors and consumers in cases that achieved cumulative recoveries of hundreds of millions of dollars for plaintiffs. After a brief retirement, Ms. Alex rejoined Labaton Sucharow in 2006 as Of Counsel.

Ms. Alex was an integral part of the team that successfully litigated *In re Bristol Myers Squibb Securities Litigation*, where Labaton Sucharow was able to secure a \$185 million settlement on behalf of investors, as well as meaningful corporate governance reforms that will affect future consumers and investors alike. She is currently litigating *In re American International Group, Inc. Securities Litigation*, a major securities class action brought by Lead Plaintiff Ohio (comprised of several of Ohio's retirement systems). Ms. Alex was Lead Trial Counsel and Chair of the Executive Committee in *Zenith Laboratories Securities Litigation*, a federal securities fraud class action which settled during trial, and achieved a significant recovery for investors. She also was Chair of the Plaintiffs' Steering Committee in *Napp Technologies Litigation*, where Labaton Sucharow won substantial recoveries for families and firefighters injured in a chemical plant explosion.

Ms. Alex served as Co-Lead Counsel or in a leadership role in several securities class actions that achieved substantial awards for investors, including *Cadence Design Securities Litigation*, *Halsey Drug Securities Litigation*, *Slavin v. Morgan Stanley*, *Lubliner v. Maxtor Corp.* and *Baden v. Northwestern Steel and Wire*. She also served on the Executive Committee or in other leadership roles in national product liability actions against the manufacturers of breast implants, orthopedic bone screws, and atrial pacemakers, and was a member of the Plaintiffs' Legal Committee in the national litigation against the tobacco companies.

Ms. Alex successfully tried more than 20 criminal jury trials as a former Assistant District Attorney in Sacramento, California. She is a frequent speaker at national conferences on product liability and securities fraud litigation, and is a recipient of the American College of Trial Lawyers' Award for Excellence in Advocacy.

Ms. Alex earned a J.D. from McGeorge Law School and a Masters Degree in Psychology from California State College. She is admitted to practice in New York and California and in Federal Courts in several jurisdictions.

JONATHAN GARDNER, OF COUNSEL

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Jonathan Gardner focuses his practice on securities class action litigation. Mr. Gardner currently represents the Successor Liquidating Trustee of Lipper Convertibles, a convertible bond hedge fund, in an action against the Fund's former independent auditor and a member of the Fund's general partner as well as numerous former limited partners who received excess distributions. He has successfully recovered over \$2 million for the Successor Liquidating Trustee to date.

Recently Mr. Gardner has worked on a number of significant cases including *In re Mercury Interactive Corp. Securities Litigation*, *In re Just for Feet Securities Litigation*, *In re St. Paul Travelers Securities Litigation*, and *In re Escala Group, Inc. Securities Litigation*.

Mr. Gardner recently litigated claims of securities fraud, common law fraud, breach of contract, defamation, and civil RICO violations against CFI Mortgage Inc. and its principals in federal court. Following a five-day jury trial, Mr. Gardner secured a verdict of over \$50 million. In April 2005, he participated in the successful trial of a books and records action captioned *Forsythe, et. al. v. CIBC Private Equity Fund*.

For the past 15 years, Mr. Gardner was actively involved in litigating all aspects of commercial and business disputes from pre-dispute investigation and settlement to trials and appeals before state and federal courts, as well as arbitration and mediation forums.

Mr. Gardner earned a B.S.B.A. from American University in 1987 and a J.D. from St. John's University Law School in 1990. He is a member of the New York State Bar Association and the Association of the Bar of the City of New York.

Mr. Gardner is admitted to practice in New York and before the United States District Courts for the Southern and Eastern Districts of New York.

DAVID J. GOLDSMITH, OF COUNSEL

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David J. Goldsmith represents institutional and individual investors in securities fraud and corporate governance litigation, and has achieved substantial recoveries for the Firm's clients and certified investor classes.

Mr. Goldsmith has played a key role in many high-profile securities litigations, including a series of cases alleging that mutual funds sold by Van Kampen, Morgan Stanley and Eaton Vance defrauded investors by overpricing senior loan interests. Mr. Goldsmith was instrumental in obtaining a decision in one of these actions, excluding before trial certain opinions of a nationally recognized economist who regularly serves as a defense expert in such cases.

Mr. Goldsmith currently represents plaintiffs in numerous securities litigations, including an action brought on behalf of the Genesee County (Mich.) Employees' Retirement System as Lead Plaintiff against Transaction Systems Architects, Inc., premised on a restatement of previously reported financial results. Recently, Mr. Goldsmith assisted in achieving a substantial settlement in a securities class action against former officers and directors of Metromedia Fiber Network, Inc.

Mr. Goldsmith also assisted in the representation of a number of state pension funds as Lead Plaintiff in the *Waste Management* securities litigation. In 2002, the Court approved a settlement of \$457 million, the third-largest common fund settlement ever achieved up to that

time. Mr. Goldsmith was a member of the Firm's Lead Counsel team representing several New York City pension funds in a class action against Orbital Sciences Corporation, which resulted in a \$22.5 million settlement on the eve of trial. In 2001, Mr. Goldsmith obtained one of the earliest decisions finding that a class action had been improperly removed under the Securities Litigation Uniform Standards Act of 1998.

Mr. Goldsmith frequently lectures on class actions and securities litigation for continuing legal education programs and investment symposia. He is a member of the American Bar Association, the New York State Bar Association, the Association of the Bar of the City of New York, and New York County Lawyers' Association.

Mr. Goldsmith earned B.A. and M.A. degrees from the University of Pennsylvania. He received a J.D. from the Benjamin N. Cardozo School of Law, where he was managing editor of the *Cardozo Arts & Entertainment Law Journal*. During law school, Mr. Goldsmith served as a judicial intern to the Honorable Michael B. Mukasey, United States District Judge for the Southern District of New York.

He is admitted to practice in New York and New Jersey and before the following federal courts: the United States Courts of Appeals for the First, Second, Fifth and Eighth Circuits; the United States District Court for the District of New Jersey; and the United States District Courts for the Southern and Eastern Districts of New York.

ANTHONY J. HARWOOD, OF COUNSEL

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Tony Harwood is an accomplished trial lawyer focusing on class action litigation on behalf of investors and consumers who have been injured by violations of federal securities and antitrust laws. He also has significant experience in white-collar criminal defense and disputes involving intellectual property.

Mr. Harwood's white-collar criminal defense practice has involved several high profile investigations, including Enron's accounting fraud, market timing in the mutual fund industry and public corruption. He has represented clients in federal and state criminal matters and in securities fraud matters before the Securities and Exchange Commission.

Mr. Harwood is a frequent author and presenter on such topics as securities and trademark litigation, alternative dispute resolution and international litigation.

Mr. Harwood is a member of the New York State Bar Association, where he serves on the Executive Committee of the Litigation Section as co-chair of the Committee on Ethics and Professionalism, and is a member of the Securities Litigation Committee. He is also a member of the American Bar Association, where he has served as the vice-chair of the Membership Committee for the Section of International Law and Practice, the chair of the International Law Committee of the Young Lawyers Division and on the Executive Committee of the Young Lawyers Division.

Mr. Harwood earned a B.A. from Cornell University in 1983 and a J.D. from Fordham University in 1987, where he was a member of the *Law Review*. From 1987 to 1988, he served as a law clerk to the Honorable William C. Conner, U.S. District Judge, Southern District of New York.

Mr. Harwood is admitted to practice in New York, the U.S. Courts of Appeals for the Second, Fifth and Federal Circuits, and the U.S. District Courts for the Southern and Eastern Districts of New York.

RICHARD T. JOFFE, OF COUNSEL

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Richard Joffe's practice focuses on class action litigation, including securities fraud, antitrust and consumer fraud cases. Since joining the Firm, Mr. Joffe has represented such

varied clients as institutional purchasers of corporate bonds, Wisconsin dairy farmers, and consumers who alleged they were defrauded when they purchased annuities.

Prior to joining Labaton Sucharow, Mr. Joffe was an associate at Gibson, Dunn & Crutcher LLP, where he played a key role in obtaining a dismissal of claims against Merrill Lynch & Co. and a dozen other of America's largest investment banks and brokerage firms, who, in *Friedman v. Salomon/Smith Barney, Inc.*, were alleged to have conspired to fix the prices of initial public offerings.

Mr. Joffe also worked as an associate at Fried, Frank, Harris, Shriver & Jacobson where he defended Goldman Sachs & Co. against allegations of securities fraud and professional negligence. In addition, he obtained a successful settlement for several older women who alleged they were victims of age and sex discrimination when they were selected for termination by New York City's Health and Hospitals Corporation during a citywide reduction in force.

He co-authored "Protection Against Contribution and Indemnification Claims in Settlement Agreements in Commercial Disputes" (Aspen Law & Business, 2000). He is admitted to practice in New York and is a member of the Association of the Bar of the City of New York and the American Bar Association.

Mr. Joffe received a J.D. from Columbia Law School in 1993. He earned a Ph.D. from Harvard University in 1984. He earned a B.A., *summa cum laude*, from Columbia University in 1972.

Long before becoming a lawyer, Mr. Joffe was a founding member of the internationally famous rock and roll group, Sha Na Na.

ZACHARY M. RATZMAN, OF COUNSEL

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Zachary M. Ratzman concentrates his practice in the area of securities fraud litigation. Since early 2005, he has litigated the case *In re American International Group, Inc. Securities Litigation*, on behalf of three Ohio pension funds and a class of defrauded investors, and has played key roles in other noteworthy actions, including *In re Bristol-Myers Squibb Securities Litigation*.

Prior to joining Labaton Sucharow, Mr. Ratzman practiced white-collar criminal defense and complex commercial litigation as an associate in the New York offices of Skadden Arps Slate Meagher & Flom LLP and Patterson Belknap Webb & Tyler LLP. Prior to that, he served as a law clerk to the Honorable Harold Baer, Jr., U.S. District Judge in the U.S. District Court for the Southern District of New York.

Mr. Ratzman maintains a strong commitment to *pro bono* work. He served as a non-partisan election monitor in Cleveland, Ohio during the 2004 presidential election, and has represented indigent criminal defendants throughout the appellate process in the New York state courts.

Mr. Ratzman received a B.A. from Ohio University, where he graduated *summa cum laude* and with Phi Beta Kappa honors. He earned a J.D. from the University of Michigan Law School, where he graduated *magna cum laude* and as a member of the Order of the Coif. While in law school, he was co-chair of the local chapter of the National Lawyers Guild and served as a teaching assistant in the University's Department of Communications Studies.

Mr. Ratzman is admitted to practice in New York and before the United States District Courts for the Southern and Eastern Districts of New York.

NICOLE M. ZEISS, OF COUNSEL

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Nicole M. Zeiss works principally in the area of securities class action litigation. Before joining Labaton Sucharow, Ms. Zeiss worked for MFY Legal Services, practicing in the area of poverty law and at Gaynor & Bass doing general complex civil litigation, particularly representing the rights of freelance writers seeking copyright enforcement.

Ms. Zeiss was part of the team that successfully litigated *In re Bristol-Myers Squibb Securities Litigation*. Labaton Sucharow was able to secure a \$185 million settlement on behalf of investors, as well as meaningful corporate governance reforms that will affect future consumers and investors alike. She has also litigated on behalf of investors who have been damaged by fraud in telecommunications and banking industries.

Ms. Zeiss maintains a commitment to *pro bono* legal services by continuing to assist mentally ill clients in a variety of matters—from eviction proceedings to trust administration.

Ms. Zeiss earned a B.A. from Barnard College in 1991 and a J.D. from Benjamin N. Cardozo School of Law in 1995. She is admitted to practice in New York.

KELSO ANDERSON, ASSOCIATE

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Kelso L. Anderson concentrates his practice on prosecuting complex securities litigations on behalf of institutional investors. Since joining the Firm, he has been a member of the Co-Lead Counsel team prosecuting the *In re HealthSouth Securities Litigation* on behalf of the New Mexico State Investment Council, the Educational Retirement Board of New Mexico and the Michigan Pension Funds.

Prior to joining Labaton Sucharow, Mr. Anderson served as an associate at Clifford Chance US LLP, where he focused on securities and banking litigation. Mr. Anderson began his

career at Chadbourne & Parke LLP, where he worked as an associate in general commercial litigation trained in all phases of litigation before federal and state courts.

Mr. Anderson earned a B.A. from Rutgers College in 1998, where he graduated with honors and with Phi Beta Kappa honors. He earned a J.D. from Rutgers University School of Law in 2002. During law school, he was the Articles Editor of the *Rutgers Law Review* and also served as a teaching associate for Legal Research & Writing. After law school, Mr. Anderson clerked for the Honorable Peter G. Verniero, New Jersey Supreme Court, and the Honorable Eric L. Clay, U.S. Court of Appeals, Sixth Circuit.

Mr. Anderson is admitted to practice in New York and New Jersey, as well as before the United States District Courts for the Southern and Eastern Districts of New York and the United States Court of Appeals for the Sixth Circuit.

Mr. Anderson is proficient in Japanese.

JAVIER BLEICHMAR, ASSOCIATE

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Javier Bleichmar concentrates his practice in the area of securities class action litigation. Since joining Labaton Sucharow, he has been a member of the team prosecuting the *In re St. Paul Travelers Securities Litigation II* on behalf of the Lead Plaintiff, the Educational Retirement Board of New Mexico.

Mr. Bleichmar earned a B.A. from the University of Pennsylvania in 1992 and a J.D. from Columbia University Law School in 1998. During law school, he was the managing editor of the *Journal of Law and Social Problems*. Additionally, he was awarded the Harlan Fiske Stone Scholar. After law school, Mr. Bleichmar authored the article, "Deportation As Punishment: A Historical Analysis of the British Practice of Banishment and Its Impact on Modern Constitutional Law," 14 *Georgetown Immigration Law Journal* 115 (1999).

Mr. Bleichmar is admitted to practice in New York and the United States District Courts for the Southern and Eastern Districts of New York.

Mr. Bleichmar is a native Spanish speaker, and he is fluent in French.

AYA BOUCHEDID, ASSOCIATE

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Aya Bouchededid concentrates her practice on prosecuting complex securities litigations on behalf of institutional investors. Since joining the Firm, she has been a member of the team serving as Lead Counsel in *In re Amgen Inc. Securities Litigation*.

Prior to joining Labaton Sucharow, Ms. Bouchededid served as an associate at Wolf Haldenstein Adler Freeman & Herz LLP, where she was involved in all aspects of complex securities litigation and antitrust litigation, including depositions, as well as participation in mediations and settlement negotiations. Ms. Bouchededid began her career at Shearman & Sterling LLP as an associate in the litigation and international arbitration team.

Ms. Bouchededid earned a B.A. in 1998 from the Université de Montréal and a LL.B. & B.C.L., *magna cum laude* (J.D. Equ.) from McGill University Faculty of Law in Montreal. During law school, she was an assistant editor for *Global Governance, Economy & Law: Waiting for Justice* (Taylor and Francis, Inc. 2003). Ms. Bouchededid received the W.R. Jackett Prize in Taxation and was co-chair of the Orientation Committee.

Ms. Bouchededid is admitted to practice in New York.

She is fluent in French and conversational Arabic.

PETER W. BRUEGGEN, ASSOCIATE

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Peter W. Brueggen concentrates his practice on complex litigation, with a particular emphasis on class actions involving antitrust violations and securities fraud. He is a member of

the team working on the class action against AIG, a case brought following the company's disclosure of fraud that resulted in a series of stock drops that wiped out more than \$40 billion.

Other high profile matters in which he has been involved include *In re El Paso Corporation Securities Litigation*, which recently settled for \$285 million and *In re Bristol-Myers Squibb Securities Litigation*, which resulted in a \$185 million settlement as well as sweeping changes to the company's drug development process.

Earlier in his career, Mr. Brueggen played a key role in litigation against the tobacco industry, representing smokers who were deceived by the tobacco industry with regard to the addictive properties of cigarettes. He also represented numerous residents and firefighters who were injured as a result of a chemical plant explosion in New Jersey, which sent harmful toxins into the air of a surrounding community.

Prior to entering law school, Mr. Brueggen worked in research and production positions with ABC News.

Mr. Brueggen earned a B.A. from New York University in 1987 and a J.D. from Albany Law School in 1996. He is admitted to practice law in New York and New Jersey. He is a member of the American Bar Association, the New York State Bar Association and the New York County Lawyers' Association.

Mr. Brueggen is proficient in German.

DONALD P. DELANEY, ASSOCIATE

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Don Delaney concentrates his practice on prosecuting complex securities litigations on behalf of institutional investors. Since joining the Firm, he has been a member of the team serving as Lead Counsel in the *In re American International Group, Inc. Securities Litigation*.

Mr. Delaney is an experienced trial lawyer having successfully first-chaired several jury trials, both civil and criminal, in federal and state court. Prior to joining Labaton Sucharow, Mr. Delaney was an Assistant Attorney General for the State of New York, serving under Eliot Spitzer. In that capacity, he obtained substantial civil litigation experience in the Southern and Eastern Districts of New York. Mr. Delaney also has significant litigation experience through his work as a public defender at Legal Aid. He began his legal career as an associate with a major international law firm in New York.

Mr. Delaney earned a B.S. from New York University's Leonard N. Stern School of Business and a J.D. from the University of Michigan Law School, where he was an editor of the *Michigan Journal of Race and Law*. Prior to attending law school, Mr. Delaney was a Research Analyst in the Mergers and Acquisitions department of a preeminent U.S. investment bank.

Mr. Delaney is admitted to practice in the State of New York, as well as the United States District Court for the Southern and Eastern Districts of New York, and the United States Court of Appeals for the Second Circuit.

ALAN I. ELLMAN, ASSOCIATE

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Alan I. Ellman is a litigation associate in the Firm's New York office. Mr. Ellman concentrates his practice in securities fraud class actions, working primarily in the Firm's Case Development Group. This select team analyzes potential liability of issuer companies, their officers and directors, and third-party defendants on behalf of individual and institutional investors, as well as beneficiaries of retirement plans.

Prior to joining Labaton Sucharow, Mr. Ellman practiced securities litigation and regulatory enforcement defense as an associate in the New York office of Chadbourne & Parke LLP.

In September 2006, Mr. Ellman received a Volunteer and Leadership Award from the Housing Conservation Coordinators (HCC) for his *pro bono* service. While at Chadbourne & Parke, he partnered with the HCC to defend a client in Housing Court against a non-payment action, argue an appeal before the Appellate Term concerning an illegal apartment, and staff HCC's housing clinic.

Mr. Ellman received B.S. and B.A. degrees, *cum laude*, from Binghamton University in 1999, and a J.D. degree from Georgetown University Law Center in 2003. Mr. Ellman is admitted to practice in the State of New York and the United States District Courts for the Southern and Eastern Districts of New York.

JOSEPH A. FONTI, ASSOCIATE

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Joseph A. Fonti focuses his practice on securities class action litigation. Since joining Labaton Sucharow, he has been a member of the team prosecuting the *In re HealthSouth Securities Litigation* on behalf of the Co-Lead Plaintiff, the New Mexico State Investment Council and the Educational Retirement Board of New Mexico.

Mr. Fonti has successfully litigated complex civil and regulatory securities matters, including obtaining a favorable judgment after trial. Prior to joining Labaton Sucharow, Mr. Fonti was an attorney at Bernstein Litowitz Berger & Grossmann LLP, where he prosecuted securities class actions on behalf of institutional investors, including class actions involving WorldCom, Bristol-Myers, Omnicom, Biovail, and the mutual fund industry scandal. Mr. Fonti's work on these cases contributed to historic recoveries for shareholders, including the \$6.15 billion recovery in the WorldCom litigation and the \$300 million recovery in the Bristol-Myers litigation, alleging accounting fraud and improper inventory practices.

Mr. Fonti began his legal career at Sullivan & Cromwell, where he represented several Fortune 500 corporations, focusing on securities matters and domestic and international commercial law. Mr. Fonti also represented clients in complex investigations conducted by federal regulators, including the U.S. Securities and Exchange Commission.

Over the past several years, he has represented victims of domestic violence in affiliation with inMotion, an organization that provides *pro bono* legal services to indigent women.

Mr. Fonti earned a B.A., *cum laude*, from New York University in 1996 and a J.D. from New York University School of Law in 1999, where he was active in the Marden Moot Court Competition and served as a Student Senator-at-Large of the NYU Senate. As a law student, he served as a law clerk to the Honorable David Trager, United States District Court Judge for the Eastern District of New York.

Mr. Fonti is admitted to practice in New York, as well as the United States District Courts for the Southern and Eastern Districts of New York, the United States Court of Appeals for the Ninth Circuit and the United States Supreme Court.

ANN E. GITTLEMAN, ASSOCIATE

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Ann E. Gittleman concentrates her practice on prosecuting complex securities litigations on behalf of institutional investors.

Prior to joining Labaton Sucharow, Ms. Gittleman, a Certified Public Accountant, practiced securities class action litigation as an associate at another New York-based securities class action firm. Ms. Gittleman began her career at Schiavetti, Corgan, Soscia, Diedwards & Nicholson LLP, where she worked as a litigation associate in professional liability matters before federal and state courts.

Ms. Gittleman earned a B.S. and a B.A., both *magna cum laude*, from Bryant University in 1999, and received her J.D. from Brooklyn Law School in 2004, where she was a member of both the Moot Court Honor Society and the Securities Law Association. She was also the recipient of the Alexander and Emily Mehr Memorial Prize for Excellence in Oral Advocacy. During law school, Ms. Gittleman worked as a Legal Assistant with the Office of the General Counsel at Pricewaterhouse-Coopers LLP where she interacted with governmental organizations, such as the SEC, IRS and Attorney General Office, in coordinating and facilitating investigations of the firm.

Ms. Gittleman is admitted to practice in New York and The Commonwealth of Massachusetts, and before the following federal courts: the United States District Court for the Southern and Eastern Districts of New York, the United States District Court for the District of Massachusetts, and the United States District Court for the District of Connecticut.

JULIE HWANG, ASSOCIATE
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Julie Hwang focuses her practice primarily on securities fraud litigation. Since joining the Firm, she has been a member of the team serving as Lead Counsel in the *In re General Motors Corp. Securities Litigation*.

Ms. Hwang earned a B.A. from the University of California, Los Angeles in 2003 and a J.D. from Brooklyn Law School in 2007.

During law school, she served as a summer associate at Labaton Sucharow, where she researched and drafted memoranda in the areas of securities law, antitrust, civil procedure and professional responsibility. Ms. Hwang also served as a student law clerk for the Honorable Joseph M. McLaughlin, U.S. Court of Appeals, Second Circuit, and was a legal intern for the King's County District Attorney.

Ms. Hwang is proficient in Korean.

RENU KRIPALANI, ASSOCIATE

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Renu Kripalani focuses her practice primarily on securities fraud litigation. Currently, Ms. Kripalani is part of the Co-Lead Counsel team prosecuting the *In re HealthSouth Securities Litigation* on behalf of the New Mexico State Investment Council, the Educational Retirement Board of New Mexico and the Michigan Pension Funds.

Prior to joining Labaton Sucharow, Ms. Kripalani, a Certified Public Accountant, was a Sarbanes-Oxley Compliance Manager for the Corporate Governance Team at AT&T. Ms. Kripalani also worked at Avon Products, Inc. as a Senior Auditor, where she led financial and operational audits in manufacturing and distribution locations throughout Asia, Europe, Latin and Central America. Ms. Kripalani's previous business experience adds further depth to the Labaton Sucharow team in assessing, asserting and litigating securities claims.

Ms. Kripalani earned a B.A. from Monmouth University in 1992 and was a member of Phi Eta Sigma honor society. She earned a J.D. from New York Law School in 1998 and interned for the New York City Civil and Human Rights Clinic, where she represented plaintiffs in housing discrimination and political asylum actions. She also provided forensic accounting and litigation support at the corporate and securities law firm Folkenflik & McGerity while in law school.

Ms. Kripalani is admitted to practice in New York and is a member of the American Institute of Certified Public Accountants.

CRAIG A. MARTIN, ASSOCIATE

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Craig A. Martin focuses his practice in the area of securities and investor protection litigation. Mr. Martin is a member of the Labaton Sucharow team representing the Successor

Liquidating Trustee of Lipper Convertibles, L.P. and Lipper Fixed Income Fund, L.P., failed convertible hedge funds, in actions against the Fund's former independent auditors and members of the Fund's management team. He is also a member of the Labaton Sucharow team actively litigating *In re American International Group, Inc. Securities Litigation*.

Prior to practicing law, Mr. Martin, a Certified Public Accountant, worked in finance, accounting and auditing positions. At Marsh & McLennan Companies, he developed and implemented working capital metrics, and valued and analyzed potential M&A transactions. In addition, he worked for a Fortune 500 pharmaceutical company, where he was responsible for analyzing the monthly performance of the pharmaceutical operations. Mr. Martin began his professional career at Deloitte & Touche, where, for almost five years, he specialized in auditing financial services companies. Mr. Martin's previous business experience adds further depth to the Labaton Sucharow team in assessing, asserting and litigating securities claims.

Mr. Martin earned a B.S. in Accounting from Ithaca College in 1990. He earned a J.D. in 2004 from Seton Hall University's School of Law. While in law school, Mr. Martin was a participant in the Eugene Gressman Moot Court Competition, was appointed a member of the Appellate Advocacy Moot Court Board, and was awarded Best Brief and Best Oralist in his Appellate Advocacy class. In 2004, Mr. Martin earned an M.B.A. from New York University's Leonard N. Stern School of Business.

Mr. Martin is admitted to practice in New York, New Jersey and the U.S. District Court of New Jersey. He is a member of the American Institute of Certified Public Accountants, New Jersey Society of Certified Public Accountants and the American Bar Association.

BARRY M. OKUN, ASSOCIATE

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Barry Michael Okun is a seasoned trial and appellate lawyer with more than 20 years' experience in a broad range of commercial litigation. Mr. Okun has litigated several leading commercial law cases, including the first case in which the United States Supreme Court ruled on issues relating to products liability.

Mr. Okun has argued appeals before the United States Court of Appeals for the Second Circuit and the Appellate Divisions of three out of the four judicial departments in New York State. He has appeared in numerous trial courts throughout the country.

Mr. Okun received a B.A. from the State University of New York at Binghamton and is a *cum laude* graduate of the Boston University School of Law, where he was Articles Editor of the *Law Review*.

He is admitted to practice in New York and before the United States Supreme Court, the United States Court of Appeals for the First, Second, Seventh and Eleventh Circuits, and the United States District Courts for the Southern and Eastern Districts of New York.

ANDREI V. RADO, ASSOCIATE

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Andrei V. Rado joined Labaton Sucharow's New York office as an associate in the summer of 2006. His practice focuses primarily on securities class action litigation.

Mr. Rado previously served as an in-house attorney at a large New York-based investment bank, where he focused on issues relating to the resale of restricted and control securities. Mr. Rado also practiced securities and consumer class action litigation as an associate at another New York-based securities class action firm.

He earned a B.A., *summa cum laude*, from the State University of New York at Buffalo in 1996 and a J.D. from St. John's University School of Law in 1999, graduating *cum laude*.

During law school, he served as a senior member of the *New York International Law Review* and published a case comment regarding international arbitration (12 N.Y. Int'l. L. Rev. 97).

Mr. Rado is admitted to practice in New York and the United States District Courts for the Southern and Eastern Districts of New York. He is a member of the American Bar Association and the New York State Bar Association.

SERENA RICHARDSON, ASSOCIATE

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Serena Richardson focuses her practice on securities class action litigation.

Prior to joining Labaton Sucharow, Ms. Richardson was an attorney at Ohrenstein & Brown LLP, where she participated in various federal and state commercial litigation matters. During her time there, she also defended financial companies in regulatory proceedings and assisted in high-profile coverage litigation matters in connection with mutual funds trading investigations.

Ms. Richardson received a B.A. from Occidental College in 1999 and a J.D. from Boston University School of Law in 2003, where she served as the Note Editor for the *Journal of Science & Technology Law*.

She is admitted to practice in New York and the United States District Courts for the Southern and Eastern Districts of New York.

Ms. Richardson is conversational in Urdu/Hindi.

MICHAEL H. ROGERS, ASSOCIATE

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Michael H. Rogers focuses his practice on securities class action litigation. Currently, Mr. Rogers is actively involved in *In re HealthSouth Securities Litigation* and *In re Mercury Interactive Securities Litigation*.

Prior to joining Labaton Sucharow, Mr. Rogers was an attorney at Kasowitz, Benson, Torres & Friedman LLP, where he practiced securities and antitrust litigation. During his time there, he represented international banking institutions in federal securities and other claims against major banks, auditing firms, ratings agencies and individuals in complex multidistrict litigation. He also represented a major international chemical shipping firm in complex arbitration of antitrust and other claims against conspirator ship owners. Mr. Rogers began his career as an attorney at Sullivan & Cromwell, where he was part of Microsoft's defense team against the "non-settling states" in the remedies phase of the Department of Justice antitrust action against the company.

Mr. Rogers received his B.A., *magna cum laude*, from Columbia University in 1995, and his J.D., *magna cum laude*, from the Benjamin N. Cardozo School of Law in 2001, where he was a member of the *Cardozo Law Review*.

He is admitted to practice in New York and the United States District Courts for the Southern and Eastern Districts of New York.

Mr. Rogers is proficient in Spanish

KRISTA ROSEN, ASSOCIATE

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Krista Rosen concentrates her practice in the area of securities class action litigation.

She is a member of the team litigating the federal securities fraud class action against AIG, representing as Lead Plaintiff several Ohio pension funds.

Ms. Rosen earned a B.A. from Bowdoin College in 2002 and a J.D. from the Benjamin N. Cardozo School of Law in 2006. During law school, she was selected to participate in the Securities Arbitration Clinic, where she represented investors in arbitration actions against securities brokers. Additionally, Ms. Rosen served as the Articles Editor of the *Cardozo Law*

Review. In March 2006, she was awarded third place in the 2005-2006 national writing competition sponsored by the Association of Securities and Exchange Commission Alumni (ASECA) for her Note entitled “Staying in Court While Staying Discovery: Finding Exceptions for Government-Produced Documents Under the PSLRA.”

Ms. Rosen is admitted to practice in Massachusetts. She currently has an application for bar admission pending in New York.

MICHAEL W. STOCKER, ASSOCIATE

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Michael W. Stocker represents clients in commercial litigation, with a primary focus on sophisticated class action matters.

Prior to joining Labaton Sucharow, Mr. Stocker worked as a senior associate at Berman DeValerio Pease Tabacco Burt & Pucillo on securities and antitrust class action cases.

Earlier in his career, Mr. Stocker worked as a senior staff attorney with the United States Court of Appeals for the Ninth Circuit, and completed a legal externship with United States Magistrate Judge (now District Judge) Phyllis J. Hamilton of the Northern District of California.

Mr. Stocker is the co-author of an article entitled, “Tellabs: PSLRA Pleading Test Comparative, Not Absolute,” *New York Law Journal*, October 3, 2007.

Mr. Stocker has served on the boards of the University of California San Francisco’s AIDS Health Project and AIDS Benefits Counselors, and has worked for the Immigrant HIV Assistance Project and the Volunteer Legal Services Program in San Francisco as well as Legal Assistance for Seniors in Oakland, California.

Mr. Stocker earned a B.A. from the University of California, Berkeley, in 1989, a J.D. from the University of California, Hastings College of Law, in 1995, and a Master of Criminology degree from the Law Department of the University of Sydney in 2000. He is

admitted to practice in California and New York as well as before the United States District Courts for the Northern and Central Districts of California, the Southern and Eastern Districts of New York, and the United States Court of Appeals for the Ninth Circuit.

JESSE STRAUSS, ASSOCIATE

jstrauss@labaton.com

Jesse Strauss concentrates his practice on prosecuting complex securities litigations on behalf of institutional investors.

Prior to joining Labaton Sucharow, Mr. Strauss served as a law clerk for the Honorable Dora L. Irizarry, U.S. District Court for the Eastern District of New York. He began his career at Blank Rome LLP, where he worked as a litigation associate. During his time there, he assisted in the trial of three matters, with one resulting in a multi-million dollar verdict in New York State Supreme Court in a fraud case.

Mr. Strauss maintains a strong commitment to *pro bono* work. Most recently, he traveled to Ghana for 10 weeks to assist an organization that mediates land disputes and works toward land reform.

Mr. Strauss earned a B.A. from The George Washington University in 1999, and received a J.D., *cum laude*, from Brooklyn Law School in 2003. During law school, he was the co-chair of the Brooklyn Law Students for the Public Interest as well as a Note & Comments Editor for the *Journal of Law and Policy*. In addition to being a Richardson Merit Scholar, he was also the recipient of the Edward V. Sparer Public Interest Fellowship where he was a student law clerk for the NAACP Legal Defense and Education Fund in Los Angeles, CA.

Mr. Strauss is admitted to practice in New York and the United States District Courts for the Southern and Eastern Districts of New York

STEFANIE J. SUNDEL, ASSOCIATE

ssundel@labaton.com

Stefanie J. Sundel focuses her practice primarily on securities fraud litigation. Ms. Sundel is part of the Lead Counsel team representing the State of Connecticut's Retirement Plans and Trust Funds, which is seeking to recover billions of dollars in investment losses on behalf of its beneficiaries and a class of investors who purchased securities of JDS Uniphase.

Prior to joining Labaton Sucharow, Ms. Sundel was an associate at the law firm of Abbey Gardy LLP, where she concentrated on securities fraud litigation. During her time at Abbey Gardy, she was a member of the team litigating *In re Adelpia Communications Corp. Securities & Derivative Litigation*.

Ms. Sundel obtained a B.A. from Franklin College Switzerland in 2001, where she graduated magna cum laude. She received a J.D. from New York Law School with honors in 2004.

Ms. Sundel is admitted to practice in New York and before the United States District Court for the Southern District of New York. She is a member of the American Bar Association, the New York State Bar Association, the Association of the Bar of the City of New York and the New York County Lawyers' Association.

She is fluent in Italian.

STEPHEN W. TOUNTAS, ASSOCIATE

stountas@labaton.com

Stephen W. Tountas concentrates his practice in the area of securities class action litigation. Since joining Labaton Sucharow, Mr. Tountas has been responsible for prosecuting several of the Firm's options backdating cases, including *In re HCC Insurance Holdings, Inc. Securities Litigation* and *In re American Tower Corp. Securities Litigation*. Among other

matters, Mr. Tountas is also a member of the team responsible for prosecuting *In re Celestica Inc. Securities Litigation*.

Prior to joining Labaton Sucharow, Mr. Tountas practiced securities litigation at Bernstein Litowitz Berger & Grossmann LLP, where he prosecuted securities class actions on behalf of institutional investors. During his time there, he prosecuted the *In re OM Group, Inc. Securities Litigation*, which resulted in a settlement of \$92.4 million, as well as cases involving Biovail Corp., MasTec, Inc., Collins & Aikman Corp. and Scottish Re Group.

Mr. Tountas earned a B.A. from Union College in 2000 and a J.D. from Washington University School of Law in 2003. As a law student, he served as Editor-in-Chief of the *Journal of Law & Policy* and was a finalist in the Environmental Law Moot Court Competition. Additionally, Mr. Tountas worked as Research Assistant to Joel Seligman, one of the country's foremost experts on securities law. In May 2003, he received the Scribe's Award in recognition of his Note entitled, "Carnivore: Is the Regulation of Wireless Technology a Legally Viable Option to Curtail the Growth of Cybercrime?," 11 Wash. U. J.L. & Pol'y 351.

Mr. Tountas is admitted to practice in New York and New Jersey and before the United States District Court for the Southern District of New York, the United States District Court for the District of New Jersey, and the United States Court of Appeals for the Ninth Circuit.

ETHAN D. WOHL, ASSOCIATE

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Ethan D. Wohl focuses his practice on securities class action litigation. Representative securities fraud actions in which Mr. Wohl has played an active role include *In re Star Gas Securities Litigation*, *In re Take-Two Interactive Securities Litigation* and *In re IBM Securities Litigation*. Mr. Wohl has also represented major U.S. and European institutional investors in

evaluating and prosecuting individual securities fraud cases, with a particular emphasis on claims involving misconduct outside of the United States.

Prior to joining Labaton Sucharow, Mr. Wohl served as the general counsel of the New York City Housing Partnership and served in management positions at New York City's housing and public assistance agencies. He also established a community-based job-training program for ex-offenders in Brooklyn, New York.

Mr. Wohl received a B.A., with honors, from the University of Chicago in 1989 and received a J.D. from the New York University School of Law in 1993, where he graduated *magna cum laude* and was a member of the Order of the Coif. Following law school, he served as law clerk to the Honorable Denis R. Hurley, United States District Judge, Eastern District of New York.

Mr. Wohl is admitted to practice in New York, New Jersey and Florida, in the United States Court of Appeals for the Second Circuit, and in the United States District Courts for the Southern and Eastern Districts of New York, the District of New Jersey and the Southern District of Florida.

Exhibit E

BERGER & MONTAGUE, P.C.

March 17, 2008

BERGER & MONTAGUE, P.C.**THE FIRM:**

Berger & Montague has been engaged in the practice of complex and class action litigation from its Center City Philadelphia office for over 35 years. The firm has been recognized by courts throughout the country for its ability and experience in handling major complex litigation, particularly in the fields of securities, antitrust, mass torts, civil and human rights, and consumer litigation. In numerous precedent-setting cases, the Berger firm has played a principal or lead role. The firm has achieved the highest possible rating by its peers and opponents as reported in Martindale-Hubbell. Currently, the firm consists of 66 lawyers, approximately half of whom are engaged full-time in securities litigation; 18 paralegals; several professional investigators; and an experienced support staff.

Berger & Montague was founded in 1970 by the late David Berger to concentrate on the representation of plaintiffs in a series of antitrust class actions. David Berger pioneered the use of class actions in antitrust litigation and was instrumental in extending the use of the class action procedure to other litigation areas, including securities, employment discrimination, civil and human rights, and mass torts. The firm's complement of nationally recognized lawyers has represented both plaintiffs and defendants in these and other areas, and has recovered billions of dollars for its clients. In complex litigation, particularly in areas of class action litigation, Berger & Montague has established new law and forged the path for recovery for victims of fraud and other wrongdoing.

The firm has been involved in a series of notable cases, some of them among the most important in the last 35 years of civil litigation. For example, the firm was one of the principal counsel for plaintiffs in the Drexel Burnham Lambert/Michael Milken securities and bankruptcy litigation. Claimants in these cases recovered approximately \$2 billion in the aftermath of the collapse of the junk bond market and the bankruptcy of Drexel in the late 1980's. The firm was also among the principal counsel engaged in the trial of the Exxon Valdez Oil Spill in Anchorage, Alaska, a trial resulting in a record punitive damages award of \$5 billion against Exxon. Berger & Montague was lead counsel in the School Asbestos Litigation, in which a national class of secondary and elementary

schools recovered in excess of \$300 million to defray the costs of asbestos abatement. The case was the first mass tort property damage class action certified on a national basis.

In the area of securities litigation, the firm has represented public institutional investors - such as the retirement funds for the States of Pennsylvania, Connecticut, New Hampshire, New Jersey and Louisiana, as well as the City of Philadelphia and numerous individual investors and private institutional investors. The firm was co-lead counsel in the Melridge Securities Litigation in the Federal District Court in Oregon, in which an \$88.2 million jury verdict was obtained. Berger and Montague has served as lead counsel in numerous other major class action cases, including those against Waste Management (settlement for investors of \$220 million) and Rite Aid (settlements totalling \$334 million), to name only two of the most notable successes.

In addition to its distinction in securities litigation, the firm has served as lead or co-lead counsel on many of the most significant civil antitrust cases over the last 30 years, including *In re Corrugated Container Antitrust Litigation* (recovery in excess of \$366 million), the *Infant Formula* case (recovery of \$125 million), and the *Retail Drug price fixing* case (settlement of more than \$700 million). More recently, the firm, through its membership on the litigation Executive Committee, helped to achieve a \$1.25 billion settlement with the largest Swiss banks on behalf of victims of Nazi aggression whose deposits were not returned after the Second World War. The firm has also played an instrumental role in bringing about a \$4.37 billion settlement with German industry and government for the use of slave and forced labor during the Holocaust.

The *National Law Journal* in October, 2005 selected Berger & Montague as one of the 12 top plaintiffs' litigation firms in the U.S. based on its most recent performance and its track record of successes in the last 3-to-5 year period.

PROMINENT JUDGMENTS AND SETTLEMENTS

The success of Berger & Montague in prosecuting class actions and other complex litigation is best demonstrated by the firm's significant results for its clients. The following is a partial list of some of the more notable judgments and settlements from the past few years:

Securities Litigation

In re Sepracor Inc. Securities Litigation: The firm, as co-lead counsel, obtained a settlement of \$52.5 million for the benefit of bond and stock purchaser classes. (Civil Action No. 02-12235-MEL (D. Mass 2007)).

In re CIGNA Corp. Securities Litigation: The firm, as co-lead counsel, obtained a settlement of \$93 million for the benefit of the class. (Master File No. 2:02-CV-8088 (E.D. Pa. 2007)).

In re Fleming Companies, Inc. Securities Litigation: The firm, as lead counsel, obtained a class settlement of \$94 million for the benefit of the class. (Civil Action No. 5-03-MD-1530 (TJW) (E.D. Tex. 2005)).

In re Xcel Energy Inc. Securities, Derivative & "ERISA" Litigation: The firm, as co-lead counsel in the Securities Actions, obtained a cash settlement of \$80 million on behalf of investors against Xcel Energy and certain of its officers and directors. (Civil Action No. 02-2677 (DSD/FLN) (D. Minn. 2005)).

In re Campbell Soup Co. Securities Litigation: The firm, as co-lead counsel, obtained a settlement of \$35 million for the benefit of the class. (Civil Action No. 00 152 (JEI) (D.N.J.2004)).

In re Premiere Technologies, Inc. Securities Litigation: The firm, as co-lead counsel, obtained a class settlement of over \$20 million in combination of cash and common stock. (Civil Action No.1:98-CV-1804-JOF (N.D. Ga. 2002)).

In re: PSINet, Inc., Securities Litigation: The firm, as co-lead counsel, obtained a settlement of \$17.83 million on behalf of investors. (Civ. No. 00-1850-A (E.D. Va. 2003)).

In re Safety-Kleen Corp. Securities Litigation : The firm, as co-lead counsel, obtained a class settlement in the amount of \$45 million against Safety-Kleen's outside accounting firm and certain of the Company's officers and directors. The final settlement was obtained 2 business days before the trial was to commence. (C.A. No. 3:00-CV-736-17 (D.S.C. 2001)).

Emil Rossdeutscher and Dennis Kelly v. Viacom: The firm, as lead counsel, obtained a settlement resulting in a fund of \$14.25 million for the class (C.A. No. 98C-03-091 (JEB) (Del. Super. 2002)).

Silver v. UICI: The firm, as co-lead counsel, obtained a settlement resulting in a fund of \$16 million for the class. (No. 3:99 CV 2860-L (N.D. Tex. 2003)).

In re Alcatel Alsthom Securities Litigation: In 2001, the firm, as co-lead counsel, obtained a class settlement for investors of \$75 million cash. (MDL Docket No. 1263 (PNB) (E.D. Tex. 2001)).

In re Rite Aid Corp. Securities Litigation: The firm, as co-lead counsel, obtained settlements totalling \$334 million against Rite Aid's outside accounting firm and certain of the company's former officers (99 CV 1349 (E.D. Pa. 2001)).

In re Sunbeam Inc. Securities Litigation: As co-lead counsel, the firm obtained a settlement on behalf of investors of \$141 million in the action against Sunbeam's outside accounting firm and Sunbeam's officers. (98 CV 8258 (S.D. Fla. 2001)).

In re Sotheby's Holding, Inc. Securities Litigation: the fir, as lead counsel obtained a \$70 million settlement, of which \$30 million was contributed, personally, by an individual defendant (No. 00 Civ. 1041 (DLC) (S.D.N.Y. 2001)).

In re Waste Management, Inc. Securities Litigation: In 1999, the firm, as co-lead counsel, obtained a class settlement for investors of \$220 million cash which included a settlement against Waste Management's outside accountants. (97 CV 7709 (N.D. Ill. 2000)).

In re IKON Office Solutions Inc. Securities Litigation: The firm, serving as both co-lead and liaison counsel, obtained a cash settlement of \$111 million in an action on behalf of investors against IKON and certain of its officers. (MDL Dkt. No. 1318 (E.D. Pa. 2000)).

In re Melridge Securities Litigation: The firm served as lead counsel and co-trial counsel for a class of purchasers of Melridge common stock and convertible debentures. A four-month jury trial yielded a verdict in plaintiffs' favor for \$88.2 million, and judgment was entered on RICO claims against certain defendants for \$239 million. The court approved settlements totaling \$55.4 million. (CV-87-1426 FR (D. Ore. 1998)).

Walco Investments, Inc. et al. v. Kenneth Thenen, et al. (Premium Sales): The firm, as a member of the Plaintiffs' Steering Committee, obtained settlements of \$141 million for investors victimized by a Ponzi scheme. (Reported at: 881 F. Supp. 1576 (S.D. Fla. 1995); 168 F.R.D. 315 (S.D. Fla. 1996); 947 F. Supp. 491 (S.D. Fla. 1996)).

In re The Drexel Burnham Lambert Group, Inc.: The firm was appointed co-counsel for a mandatory non-opt-out class consisting of all claimants who had filed billions of dollars in securities litigation-related proofs of claim against The Drexel Burnham Lambert Group, Inc. and/or its subsidiaries. Settlements in excess of \$2.0 billion were approved in August 1991 and became effective upon consummation of Drexel's Plan of Reorganization on April 30, 1992. (90 Civ. 6954 (MP), Chapter 11, Case No. 90 B 10421 (FGC), Jointly Administered, reported at, *inter alia*, 960 F.2d 285 (2d Cir. 1992), *cert. dismissed*, 506 U.S. 1088 (1993) ("Drexel I") and 995 F.2d 1138 (2d Cir. 1993) ("Drexel II")).

In re Michael Milken and Associates Securities Litigation: As court-appointed liaison counsel, the firm was one of four lead counsel who structured the \$1.3 billion "global" settlement of all claims pending against Michael R. Milken, over 200 present and former officers and directors of Drexel Burnham Lambert, and more than 350 Drexel/Milken-related entities. (MDL Dkt. No. 924, M21-62-MP (S.D.N.Y. 1993)).

RJR Nabisco Securities Litigation: In this action, Berger & Montague represented individuals who sold RJR Nabisco securities prior to the announcement of a corporate change of control. This securities case settled for \$72 million. (88 Civ. 7905 MBM (S.D.N.Y. 1992)).

Antitrust Litigation

In re High Fructose Corn Syrup Antitrust Litigation: Berger & Montague was one of three co-lead counsel in this nationwide class action alleging a conspiracy to allocate volumes and customers and to price-fix among five producers of high fructose corn syrup. After nine years of litigation, including four appeals, the case was settled on the eve of trial for \$531 million. (MDL No. 1087 and Master File No. 95-1477 (C.D. Ill. 2004)).

In re Linerboard Antitrust Litigation: Berger & Montague was one of a small group of court-appointed executive committee members who led this nationwide class action against producers of linerboard. The complaint alleged that the defendants conspired to reduce production of linerboard in order to increase the price of linerboard and corrugated boxes made therefrom. At the close of discovery, the case was settled for more than \$200 million. (98 Civ. 5055 and 99-1341 (E.D. Pa. 2003)).

In re Relafen Antitrust Litigation: Berger & Montague was one of a small group of firms who prepared for the trial of this nationwide class action against GlaxoSmithKline, which was alleged to have used fraudulently-procured patents to block competitors from marketing less-expensive generic versions of its popular nonsteroidal anti-inflammatory drug, Relafen (nabumetone). Just before trial, the case was settled for \$175 million. (No. 01-12239-WGY (D. Mass. 2003)).

State of Connecticut Tobacco Litigation: Berger & Montague was one of three firms to represent the State of Connecticut in a separate action in state court against the tobacco companies. The case was litigated separate from the coordinated nationwide actions. Although eventually Connecticut joined the national settlement, its counsel's contributions were recognized by being awarded the fifth largest award among the states from the fifty states' Strategic Contribution Fund.

In re Graphite Electrodes Antitrust Litigation: Berger & Montague was one of the four co-lead counsel in a nationwide class action price-fixing case. The case eventually settled in excess of \$130 million. (02 Civ. 99-482 (E.D. Pa. 2003)).

In re Buspirone Antitrust Litigation: The firm served on the court-appointed steering committee in this class action, representing a class of primarily pharmaceutical wholesalers and resellers.

The Buspirone class action alleged that pharmaceutical manufacturer BMS engaged in a pattern of illegal conduct surrounding its popular anti-anxiety medication, Buspar, namely, paying a competitor to refrain from marketing a generic version of Buspar; improperly listing a patent with the FDA; and wrongfully prosecuting patent infringement actions against generic competitors to Buspar. On April 11, 2003, the Court finally approved a \$220 million settlement. (MDL No. 1410 (S.D.N.Y. 2003)).

In re Cardizem CD Antitrust Litigation: Berger & Montague served on the Executive Committee of firms appointed to represent the class of direct purchasers of Cardizem CD. The suit charged that Aventis (the brand-name drug manufacturer of Cardizem CD) entered into an illegal agreement to pay Andrx (the maker of a generic substitute to Cardizem CD) millions of dollars to delay the entry of the less expensive generic product. On November 26, 2002, the district court approved a final settlement against both defendants for \$110 million. (No. 99-MD-1278, MDL No. 1278 (E.D. Mich. 2002)).

In re Brand Name Prescription Drugs Antitrust Litigation: The firm served as co-lead counsel in this antitrust price-fixing class action on behalf of a class of purchasers of brand name prescription drugs. Following certification of the class by the district court, settlements exceeded \$717 million. (No. 94 C 897 (M.D. Ill. 2000)).

North Shore Hematology-Oncology Assoc., Inc. v. Bristol-Myers Squibb Co.: The firm was one of several prosecuting an action complaining of Bristol Myers's use of invalid patents to block competitors from marketing more affordable generic versions of its life-saving cancer drug, Platinol (cisplatin). The case settled for \$50 million. (No. 1:04CV248 (EGS) (D.D.C. 2004)).

In re Catfish Antitrust Litig. Action: The firm was co-trial counsel in this action which settled with the last defendant a week before trial, for total settlements approximating \$27 million. (No. 2:92CV073-D-O, MDL No. 928 (N.D. Miss. 1995)).

In re Carbon Dioxide Antitrust Litigation: The firm was co-trial counsel in this antitrust class action which settled with the last defendant days prior to trial for total settlements approximating \$53 million, plus injunctive relief. (MDL No. 940 (M.D. Fla. 1995)).

In re Infant Formula Antitrust Litigation: The firm served as co-lead counsel in an antitrust class action where settlement was achieved two days prior to trial, bringing the total settlement proceeds to \$125 million. (MDL No. 878 (N.D. Fla. 1992)).

Red Eagle Resources Corp., Inc., v. Baker Hughes, Inc.: The firm was a member of the plaintiffs' executive committee in this antitrust class action which yielded a settlement of \$52.5 million. (C.A. No. H-91-627 (S.D. Tex. 1991)).

In re Corrugated Container Antitrust Litigation: The firm, led by H. Laddie Montague, was co-trial counsel in an antitrust class action which yielded a settlement of \$366 million, plus interest, following a trial. (MDL No. 310 (S.D. Tex. 1981)).

Bogosian v. Gulf Oil Corp.: With Berger & Montague as sole lead counsel, this landmark action on behalf of a national class of more than 100,000 gasoline dealers against 13 major oil companies led to settlements of over \$35 million plus equitable relief on the eve of trial. (No. 71-1137 (E.D. Pa. 1977)).

In re Master Key Antitrust Litigation: The firm served as co-lead counsel in an antitrust class action that yielded a settlement of \$21 million during trial. (MDL No. 45 (D. Conn. 1977)).

Environmental/Mass Tort Litigation

In re Exxon Valdez Oil Spill Litigation: On September 16, 1994, a jury trial of several months duration resulted in a record punitive damages award of \$5 billion against the Exxon defendants as a consequence of one of the largest oil spills in U.S. history. David Berger was co-chair of the Plaintiffs' Discovery Committee (appointed by both the federal and state courts). H. Laddie Montague was specifically appointed by the federal court as one of the four designated trial counsel. Both Mr. Montague and Peter Kahana shared (with the entire trial team) in the 1995 "Trial Lawyer of the Year Award" given by the Trial Lawyers for Public Justice. (No. A89-0095-CVCHRH (D. Alaska 1996)).

In re Ashland Oil Spill Litigation: The firm served as co-lead counsel and obtained a \$30 million settlement for damages resulting from a very large oil spill. (Master File No. M-14670 (W.D. Pa. 1990)).

In re School Asbestos Litigation: As co-lead counsel, the firm successfully litigated a case in which a nationwide class of elementary and secondary schools and school districts suffering property damage as a result of asbestos in their buildings were provided relief. Pursuant to an approved settlement, the class received \$70 million in cash and \$145 million in discounts toward replacement building materials. (No. 83-0268 (E.D. Pa. 1986)).

Health Care/ERISA Litigation

In re Unisys Corp. Retiree Medical Benefits: The firm, as co-lead counsel, handled the presentation of over 70 witnesses, 30 depositions, and over 700 trial exhibits in this action that has resulted in partial settlements of over \$110 million for retirees whose health benefits were terminated. (MDL No. 969 (E.D. Pa. 1998)).

Local 56 U.F.C.W. v. Campbell Soup Co.: The firm represented a class of retired Campbell Soup employees in an ERISA class action to preserve and restore retiree medical benefits. A settlement yielded benefits to the class valued at \$114.5 million. (No. 93-MC-276 (SSB) (D.N.J. 1984)).

Civil/Human Rights

In re Holocaust Victim Assets Litigation: Through Stephen A. Whinston's membership on the Executive Committee in cases brought by Holocaust survivors against the three largest Switzerland-based banks, this litigation was settled for \$1.25 billion. (105 F. Supp.2d 139 (E.D.N.Y. 2000)).

In re Nazi Era Cases Against German Defendants Litigation: Through the firm's co-lead counsel role, cases against German industry and banks for the use of slave and forced labor during the Nazi era were ultimately settled in the context of international negotiations which created a fund for victims of \$4.5 billion. (198 F.R.D. 429 (D.N.J. 2000)).

Consumer Litigation

In re Educational Testing Service Praxis Principles of Learning and Teaching: Grades 7-12

Litigation: The firm served on the plaintiffs' steering committee and obtained an \$11.1 million settlement on behalf of persons who were incorrectly scored on a teacher's licensing exam. (MDL No. 1643 (E.D. La. 2006))

Block v. McDonald's Corporation: The firm served as co-lead counsel and obtained a settlement of \$12.5 million with McDonald's stemming from its failure to disclose the use of beef fat in its french fries. (No. 01-CH-9137 (Cir. Ct. Cook Cty., Ill. 2002))

Fitz, Inc. v. Ralph Wilson Plastics Co.: The firm served as sole lead counsel and obtained, after 7 years of litigation, a claims-made settlement whereby fabricators could obtain full recoveries for their losses resulting from defendants' defective contact adhesives. (No. 1-94-CV-06017 (D.N.J. 2000))

Parker v. American Isuzu Motors, Inc.: The firm served as sole lead counsel and obtained a claims-made settlement whereby class members recovered up to \$500 for economic damages resulting from accidents caused by faulty brakes. (No. 3476 (CCP Phila. Cty. 2007))

Crawford v. Philadelphia Hotel Operating Co.: The firm served as co-lead counsel and obtained a claims-made settlement whereby persons who contracted food poisoning at a business convention recovered \$1,500 each. (No. 040300070 (CCP Phila. Cty. 2005))

In re TJX Companies Retail Security Breach Litigation: The firm is currently serving as co-lead counsel in this pending litigation brought on behalf of persons and entities whose personal and financial data was compromised in the largest computer theft of personal data in history. (No. 1:07-cv-10162-WGY, (D. Mass.))

In re Pet Foods Product Liability Litigation: The firm is currently serving as one of plaintiffs' counsel in this class action suit seeking to redress the harm resulting from the manufacture and sale of contaminated dog and cat food. (MDL Docket No. 1850 (D.N.J.))

JUDICIAL PRAISE FOR BERGER & MONTAGUE ATTORNEYS

Berger & Montague's record of successful prosecution of class-actions and other complex litigation has been recognized and commended by judges and arbitrators across the country. Some remarks on the skill, efficiency, and expertise of the firm's attorneys are excerpted below.

Securities Litigation

From **Judge Michael M. Baylson**, of the U.S. District Court for the Eastern District of Pennsylvania:

"The Court is aware of and attests to the skill and efficiency of class counsel: they have been diligent in every respect, and their briefs and arguments before the Court were of the highest quality. The firm of Berger & Montague took the lead in the Court proceedings; its attorneys were well prepared, articulate and persuasive."

Praising the work of Berger & Montague attorneys including Securities Department Chair Sherrie R. Savett and partners Carole A. Broderick and Barbara A Podell in *In re CIGNA Corp. Sec. Litig.*, 2007 U.S. Dist. LEXIS 51089, **17-18 (E.D. Pa. July 13, 2007)

From **Judge Stewart Dalzell**, of the U.S. District Court for the Eastern District of Pennsylvania:

"Thanks to the nimble class counsel, this sum, which once included securities worth \$149.5 million is now all cash. Seizing on an opportunity Rite Aid presented class counsel first renegotiated what had been stock consideration into Rite Aid Notes and then this year monetized those Notes. Thus, on February 11, 2003, Rite Aid redeemed those Notes from the class, which then received \$145,754,922.00. The class also received \$14,435,104 in interest on the Notes.

"Co-lead counsel ... here were extraordinarily deft and efficient in handling this most complex matter... they were at least eighteen months ahead of the United States Department of Justice in ferreting out the conduct that ultimately resulted in the

write down of over \$1.6 billion in previously reported Rite Aid earnings. In short, it would be hard to equal the skill class counsel demonstrated here.”

Praising the work of Berger & Montague attorneys including Securities Department Chair Sherrie R. Savett and partners Carole Broderick and Robin Switzenbaum in *In re Rite Aid Corp. Securities Litigation*, 269 F. Supp. 2d 603, 605 (E.D. Pa. 2003)

From **Judge Clarence C. Newcomer**, of the U.S. District Court for the Eastern District of Pennsylvania:

“...[C]ounsel has conducted this litigation with skill, professionalism and extraordinary efficiency.”

Praising the work of Sherrie R. Savett, Securities Department Chair, and Arthur Stock, *In Re: Unisys Corporation Securities Litigation*, Civil Action No. 99-5333 , 2001 U.S. Dist. LEXIS 20160 *10 (E.D. Pa. Dec. 6, 2001).

From **Judge Stewart Dalzell**, of the U.S. District Court for the Eastern District of Pennsylvania:

“As to ‘the skill and efficiency of the attorneys involved,’ we can only echo what we said about some of the same lawyers in *U.S. Bioscience*. The results here are outstanding in a litigation that was far ahead of public agencies like the Securities and Exchange Commission and the United States Department of Justice. . . . At the same time, these attorneys have, through the division of their labors, represented the class most efficiently[.]”

Praising the work of Berger & Montague attorneys including Securities Department Chair, Sherrie R. Savett, in achieving settlements of over \$190 million in *In re Rite Aid Inc. Securities Litigation*, 146 F. Supp.2d 706, 735 (E.D. Pa. June 8, 2001).

From **Judge Marvin Katz**, of the U.S. District Court for the Eastern District of Pennsylvania:

"Class counsel did a remarkable job in representing the class interests."

Commenting on the work of Berger & Montague attorneys Merrill G. Davidoff, Todd S. Collins and Douglas M. Risen, on the partial settlement for \$111 million approved May, 2000, *In Re: IKON Office Solutions Securities Litigation*, 194 F.R.D. 166, 197 (E.D. Pa. 2000).

From Judge **Wayne R. Andersen**, of the U.S. District Court for the Northern District of Illinois:

"...[Y]ou have acted the way lawyers at their best ought to act. And I have had a lot of cases...in 15 years now as a judge and I cannot recall a significant case where I felt people were better represented than they are here ... I would say this has been the best representation that I have seen."

Praising the work of Sherrie R. Savett, Carole A. Broderick, and Gary E. Cantor at a hearing in *In Re: Waste Management, Inc. Securities Litigation*, Civil Action No. 97-C 7709 (N.D. Ill. 1999).

From **Judge Stewart Dalzell**, of the U.S. District Court for the Eastern District of Pennsylvania:

"The quality of lawyering on both sides, but I am going to stress now on the plaintiffs' side, simply has not been exceeded in any case, and we have had some marvelous counsel appear before us and make superb arguments, but they really don't come any better than Mrs. Savett . . . , and the arguments we had on the motion to dismiss [Mrs. Savett argued the motion], both sides were fabulous, but plaintiffs' counsel were as good as they come."

Commenting on the settlement of a securities case litigated by Sherrie R. Savett and Carole A. Broderick, *In re U.S. Bioscience Securities Litigation*, Civil Action No. 92-0678, hearing held April 4, 1994 (E.D. Pa. 1994).

From **Judge Joseph F. Anderson, Jr.**, of the U.S. District Court for the District of South Carolina:

“I don’t have a problem at all approving the settlement. In light of what you’ve said today and your submission to the Court and I am familiar with the case ... it was a sharply litigated case, with good lawyers on both sides and I think it’s an ideal case for settlement. It’s the largest settlement I’ve been called upon to approve in my eight years as a judge.”

Praising the work of Sherrie R. Savett, Securities Department Chair, in achieving a \$32 million settlement in *In Re: Policy Management Systems Corporation*, Civil Action No. 3:93-0807-17 (D.S.C. 1993).

From **Judge Harry R. McCue**, of the U.S. District Court for the Southern District of California:

“There can be no doubt that the public good was fully served by the attorneys for the plaintiffs in this case, because they invested their own time, their own money, they invested their special skills and knowledge to vindicate the rights and interests of the thousands of investors who invested their money and placed their trust in the integrity of the securities market. . . . I conclude that the achievement of plaintiffs’ counsel under any of those tests was superior. ”

Concerning the work of Berger & Montague in achieving a \$33 million settlement in *In re Oak Industries Securities Litigation*, 1986 U.S. Dist. LEXIS 20942 (S.D. Cal. 1986).

From **Judge John F. Keenan**, of the U.S. District Court for the Southern District of New York:

“The quality of work of plaintiffs’ counsel on this case is also demonstrated by the efficient manner of prosecution. . . . At the settlement hearing, defense counsel conceded that plaintiffs’ counsel constitute the ‘cream of the plaintiffs’ bar.’ The court cannot find fault with that characterization.”

Regarding the work of Sherrie R. Savett and Stephen A. Whinston, *In re Warner Communications Securities Litigation*, 618 F. Supp. 735, 749 (S.D.N.Y. 1985).

Antitrust Litigation

From **Judge Charles P. Kocoras**, of the U.S. District Court for the Northern District of Illinois:

“The stakes were high here, with the result that most matters of consequence were contested. There were numerous trips to the courthouse, and the path to the trial court and the Court of Appeals frequently traveled. The efforts of counsel for the class has [sic] produced a substantial recovery, and it is represented that the cash settlement alone is the second largest in the history of class action litigation. . . . There is no question that the results achieved by class counsel were extraordinary[.]”

Regarding the work of Berger & Montague shareholders H. Laddie Montague and Peter R. Kahana, among others, in achieving a more than \$700 million settlement with some of the defendants in *In Re Brand Name Prescription Drugs Antitrust Litigation*, 2000 U.S. Dist. LEXIS 1734, *5-6 (N.D. Ill. Feb. 9, 2000).

From **Judge Peter J. Messitte**, of the U.S. District Court for the District of Maryland:

“The experience and ability of the attorneys I have mentioned earlier, in my view in reviewing the documents, which I have no reason to doubt, the plaintiffs’ counsel are at the top of the profession in this regard and certainly have used their expertise to craft an extremely favorable settlement for their clients, and to that extent they deserve to be rewarded.”

Concerning the work of senior member, Merrill G. Davidoff, as stated in a Settlement Approval Hearing, Oct. 28, 1994. *Spawd, Inc. and General Generics v. Bolar Pharmaceutical Co., Inc.*, CA No. PJM-92-3624.

From **Judge Donald W. Van Artsdalen**, of the U.S. District Court for the Eastern District of Pennsylvania:

“As to the quality of the work performed, although that would normally be reflected in the not immodest hourly rates of all attorneys, for which one would expect to obtain excellent quality work at all times, the results of the settlements speak for themselves. Despite the extreme uncertainties of trial, plaintiffs' counsel were able to negotiate a cash settlement of a not insubstantial sum, and in addition, by way of equitable relief, substantial concessions by the defendants which, subject to various condition, will afford the right, at least, to lessee-dealers to obtain gasoline supply product from major oil companies and suppliers other than from their respective lessors. The additional benefits obtained for the classes by way of equitable relief would, in and of itself, justify some upward adjustment of the lodestar figure.”

Commending the skills of firm then chairman David Berger, shareholder Martin Twersky, and other Berger & Montague attorneys, in *Bogosian v. Gulf Oil Corp.*, 621 F. Supp. 27,31 (E.D. Pa. 1985).

From **Judge Joseph Blumenfeld**, of the U.S. District Court of Connecticut:

“The work of the Berger firm showed a high degree of efficiency and imagination, particularly in the maintenance and management of the national class actions.”

Referencing the leadership of managing partner H. Laddie Montague, co-lead counsel, in *In re Master Key Antitrust Litigation*, 1977 U.S. Dist. LEXIS 12948, **34-35 (Nov. 4, 1977).

Civil/Human Rights Cases

From **Deputy Treasury Secretary Stuart E. Eizenstat**:

“We must be frank. It was the American lawyers, through the lawsuits they brought in U.S. courts, who placed the long-forgotten wrongs by German companies during the Nazi era on the international agenda. It was their research and their work which highlighted these old

injustices and forced us to confront them. Without question, we would not be here without them. . . . For this dedication and commitment to the victims, we should always be grateful to these lawyers.”

In his remarks at the July 17, 2000, signing ceremony for the international agreements which established the German Foundation to act as a funding vehicle for the payment of claims to Holocaust survivors. Among the lawyers specifically mentioned for special recognition were Stephen A. Whinston and Edward W. Millstein, both shareholders of the firm.

Customer/Broker Arbitrations

From Robert E. Conner, Public Arbitrator with the National Association of Securities Dealers, Inc.:

“ . . . [H]aving participated over the last 17 years in 400 arbitrations and trials in various settings, . . . the professionalism and the detail and generally the civility of everyone involved has been not just a cause for commentary at the end of these proceedings but between ourselves [the arbitration panel] during the course of them, and . . . the detail and the intellectual rigor that went into the documents was fully reflective of the effort that was made in general. I wanted to make that known to everyone and to express my particular respect and admiration.”

About the efforts of Berger & Montague shareholders Merrill G. Davidoff and Eric L. Cramer, who achieved a \$1.1 million award for their client, in *Steinman v. LMP Hedge Fund, et al.*, NASD Case No. 98-04152, at Closing Argument, June 13, 2000.

FOUNDING PARTNER:

David Berger (1912-2007)

David Berger was the founder and the Chairman of Berger & Montague. He received his A.B. *cum laude* in 1932 and his LL.B. *cum laude* in 1936, both from the University of Pennsylvania. He was a member of The Order of the Coif and was an editor of the *University of Pennsylvania Law Review*. He had a distinguished scholastic career including being Assistant to Professor Francis H. Bohlen and Dr. William Draper Lewis, Director of the American Law Institute, participating in the drafting of the first Restatement of Torts. He also served as a Special Assistant Dean of the University of Pennsylvania Law School. He was a member of the Board of Overseers of the Law School and Associate Trustee of the University of Pennsylvania. In honor of his many contributions, the Law School established the David Berger Chair of Law for the Improvement of the Administration of Justice.

David Berger was a law clerk for the Pennsylvania Supreme Court. He served as a deputy assistant to Director of Enemy Alien Identification Program of the United States Justice Department during World War II.

Thereafter he was appointed Lt.j.g. in the U.S. Naval Reserve and he served in the South Pacific aboard three aircraft carriers during World War II. He was a survivor of the sinking of the U.S.S. Hornet in the Battle of Santa Cruz, October 26, 1942. After the sinking of the Hornet, Admiral Halsey appointed him a member of his personal staff when the Admiral became Commander of the South Pacific. Mr. Berger was ultimately promoted to Commander. He was awarded the Silver Star and Presidential Unit Citation.

After World War II, he was a law clerk in the United States Court of Appeals. The United States Supreme Court appointed David Berger a member of the committee to draft the Federal Rules of Evidence, the basic evidentiary rules employed in federal courts throughout the United States. David Berger was a fellow of the American College of Trial Lawyers, the International Society of Barristers, and the International Academy of Trial Lawyers, of which he was a former Dean. He was a Life Member of the Judicial Conference of the Third Circuit and the American Law Institute.

A former Chancellor (President) of the Philadelphia Bar Association, he served on numerous committees of the American Bar Association and was a lecturer and author on various legal subjects, particularly in the areas of antitrust, securities litigation, and evidence.

David Berger served as a member of President John F. Kennedy's committee which designed high speed rail lines between Washington and Boston. He drafted and activated legislation in the Congress of the United States which resulted in the use of federal funds to assure the continuance of freight and passenger lines throughout the United States. When the merger of the Pennsylvania Railroad and the New York Central Railroad, which created the Penn Central Transportation Company, crashed into Chapter 11, David Berger was counsel for Penn Central and a proponent of its reorganization. Through this work, Mr. Berger ensured the survival of the major railroads in the Northeastern section of the United States including Penn Central, New Jersey Central, and others.

Mr. Berger's private practice included clients in London, Paris, Dusseldorf, as well as in Philadelphia, Washington, New York City, Florida, and other parts of the United States. David Berger instituted the first class action in the antitrust field, and for over 30 years he and the Berger firm were lead counsel and/or co-lead counsel in countless class actions brought to successful conclusions, including antitrust, securities, toxic tort and other cases. He served as one of the chief counsel in the litigation surrounding the demise of Drexel Burnham Lambert, in which over \$2.6 billion was recovered for various violations of the securities laws during the 1980s. The recoveries benefitted such federal entities as the FDIC and RTC, as well as thousands of victimized investors.

In addition, Mr. Berger was principal counsel in a case regarding the Three Mile Island accident near Harrisburg, Pennsylvania, achieving the first legal recovery of millions of dollars for economic harm caused by the nation's most serious nuclear accident. As part of the award in the case, David Berger established a committee of internationally renowned scientists to determine the effects on human beings of emissions of low level radiation. Several important studies have issued from this committee, some which were used in connection with the Chernobyl disaster.

In addition, as lead counsel in *In re Asbestos School Litigation*, he brought about settlement of this long and vigorously fought action spanning over 13 years for an amount in excess of \$300 million.

David Berger was active in Democratic politics. President Clinton appointed David Berger a member of the United States Holocaust Memorial Council, in which capacity he served from 1994-2004. In addition to his having served for seven years as the chief legal officer of Philadelphia, he was a candidate for District Attorney of Philadelphia, and was a Carter delegate in the Convention which nominated President Carter.

Over his lengthy career David Berger was prominent in a great many philanthropic and charitable enterprises some of which are as follows: He was the Chairman of the David Berger Foundation and a long time honorary member of the National Commission of the Anti-Defamation League. He was on the Board of the Jewish Federation of Philadelphia and, at his last place of residence, Palm Beach, as Honorary Chairman of the American Heart Association, Trustee of the American Cancer Society, a member of the Board of Directors of the American Red Cross, and active in the Jewish Federation of Palm Beach County. Among other distinguished entities, David Berger was a member of the Foundation for Art and Preservation in Embassies.

David Berger's principal hobby was tennis, a sport in which he competed for over 60 years. He was a member of the Board of Directors of the International Tennis Hall of Fame and other related organizations for assisting young people in tennis on a world-wide basis.

THE SHAREHOLDERS:**Harold Berger**

Harold Berger, a former Judge of the Court of Common Pleas of Philadelphia, is a graduate of the University of Pennsylvania School of Electrical Engineering (B.S.E.E. 1948) and the University of Pennsylvania Law School (J.D. 1951). He is a senior partner and managing principal of the firm and serves on its Executive Committee.

He currently serves as a member of the Board of Overseers of the School of Engineering and Applied Science of the University of Pennsylvania. He has served as Chair of the Third Circuit Class Action and Complex Litigation Committee of the Federal Bar Association and is past Chair of the FBA's National Committee on the Federal and State Judiciary. He is the author of numerous law review articles and has lectured extensively before bar associations and at universities. His biography appears in *Who's Who in America*, *Who's Who in American Law* and *Who's Who in the World*. He has been given the highest rating for legal ability as well as the highest rating for ethical standards by the *Martindale-Hubbell* American legal directory.

Harold Berger has participated in many national litigation and class action matters of a complex nature, including the *Exxon Valdez Oil Spill Litigation*, C.A. No. A89-095 (D. Alaska), which resulted in a record punitive damage award of \$5 billion against Exxon after Trial and in which he served on the case management team and as Co-Chair of the national discovery team. He also participated in the *In re Three Mile Island Litigation*, C.A. No. 79-0432 (M.D. Pa.), where he acted as liaison counsel, and in the nationwide school asbestos property damage class action, *In re Asbestos School Litigation*, Master File No. 83-0268 (E.D. Pa.), where the firm was co-lead counsel. The case was settled for an amount in excess of \$300 million. He also served as co-lead counsel in the *Ashland Oil Spill Litigation*, Master File No. M-14670 (W.D. Pa.), as co-lead counsel in the *Chrysler Motors Corp. Odometer Litigation*, MDL Docket No. 740 (E.D. Mo.), and as lead counsel in the *Collins & Aikman Product Liability Class Action*, C.A. No. 87-2529 (E.D. Pa.).

Harold Berger is a former member of the State and Federal Court Relations Committee of the National Conference of State Trial Judges and is the recipient of numerous awards including a Special American Bar Association Presidential Program Award and Medal and the Special Service Award of the Pennsylvania Conference of State Trial Judges. He is the recipient of the Federal Bar

Association's National Service Award for distinguished service to the Federal and State Judiciary. He is a permanent member of the Judicial Conference of the Third Circuit Court of Appeals and served as National Chair of the FBA's Alternate Dispute Resolution Committee.

Recipient of the Alumnus of the Year Award of the Thomas McKean Law Club of the University of Pennsylvania Law School, Harold Berger was honored by the University of Pennsylvania School of Engineering and Applied Science by the dedication of the Honorable Harold Berger Annual Lecture and Award to a technical innovator who has made a lasting contribution to the quality of our lives. He was further honored by the University by the dedication of a student award in his name for engineering excellence.

Harold Berger has served as Chair of the International Conferences on Global Interdependence held at Princeton University. He has served as Chair of the Aerospace Law Committees of the American, Federal and Inter-American Bar Associations and, in recognition of the importance and impact of his scholarly work, was elected to the International Academy of Astronautics in Paris. He is active in law and engineering alumni affairs at Penn, serving on the University of Pennsylvania's Biddle Law Library Advisory Board and as Chair of Friends of Biddle National Campaign. He is a past President of the Eastern District Chapter of the Federal Bar Association and currently serves as Chair of the Chapter's Class Action and Complex Litigation Committees in addition to serving as Chair of the Bench-Bar Liaison Committee.

Long active in diverse, philanthropic, charitable, community and inter-faith endeavors, Harold Berger currently serves as a Trustee of The Federation of Jewish Charities of Greater Philadelphia, as a Director of the National Museum of Jewish History, as a National Director of the Hebrew Immigrant Aid Society in its endeavors to assist refugees and indigent souls of all faiths, as a Charter Fellow of the Foundation of the Federal Bar Association and as a member of the Hamilton Circle of the Philadelphia Bar Foundation.

H. Laddie Montague, Jr.

H. Laddie Montague, Jr. is a graduate of the University of Pennsylvania (B.A. 1960) and the Dickinson School of Law (L.L.B. 1963) where he was a member of the Board of Editors of the *Dickinson Law Review*. He is currently Chairman of the Board of Governors for Dickinson School of Law of Penn State University. He is a member of the Executive Committee of the firm having

joined its predecessor David Berger, P.A. at its inception in 1970. He is a managing principal and shareholder of the firm and is Chairman of the Antitrust Department.

In addition to being one of the courtroom trial counsel for plaintiffs in the mandatory punitive damage class action in the *Exxon Valdez Oil Spill Litigation*, Mr. Montague has served as lead or co-lead counsel in many class actions, including *In re Infant Formula Antitrust Litigation* (1993) and *Bogosian v. Gulf Oil Corp.*, a nationwide class action against thirteen major oil companies (1984). Mr. Montague is co-lead counsel for the State of Connecticut in its litigation against the tobacco industry.

Mr. Montague was one of four co-lead counsel in *In re Brand Name Prescription Drugs Antitrust Litigation*, M.D.L. 997 (N.D. Ill.) and was one of three co-lead counsel in *In Re High Fructose Corn Syrup Antitrust Litigation*, M.D.L. No. 1087 (C.D. Ill.). In addition to the *Exxon Valdez Litigation*, he has tried several complex, protracted cases to jury, including two class actions: *In re Master Key Antitrust Litigation*, (1977) and *In re Corrugated Container Antitrust Litigation* (1980). For his work as trial counsel in the *Exxon Valdez Oil Spill Litigation*, Mr. Montague shared the Trial Lawyers for Public Justice 1995 Trial Lawyer of the Year Award.

Mr. Montague has frequently lectured on class action litigation for the Practicing Law Institute, the Pennsylvania Bar Institute and before other associations. He has taught a Complex Litigation Course at Temple University Law School and has been a panelist at the Federal Bench-Bar Conference for the Eastern District of Pennsylvania. Mr. Montague was a member of the 1984 faculty of the Columbia Law School Continuing Legal Educational Program entitled "The Trial of an Antitrust Case." Mr. Montague has testified before Congress with respect to antitrust and business fraud legislation, including the Racketeer Influenced and Corrupt Organizations Act ("RICO"). He is currently a member of the Advisory Board of the Antitrust & Trade Regulation Report published by the Bureau of National Affairs.

Sherrie R. Savett**Summary**

Sherrie R. Savett, Chair of the Securities Litigation Department, and member of the Management Committee of the law firm of Berger & Montague, has practiced in the area of securities litigation and class actions since 1975. Eight securities class actions in which Ms. Savett served as lead counsel are among the 100 largest securities class actions settled in the history of the federal securities laws. She has advanced investor protection by helping to establish several significant legal precedents. Ms. Savett speaks and writes often on professional topics, and is also a business and community leader.

Securities Litigation

Ms. Savett serves or has served as lead or co-lead counsel or as a member of the executive committee in a large number of important securities and consumer class actions in federal and state courts across the country, including:

Advanced Micro Devices (class settlement of \$11.5 million)

*(Civil Action No. 95-20750 (N.D. Cal. 1998));

*****Alcatel Alsthom*** (class settlement of \$75 million)

(Master Docket No. 99-1263 (E.D. Tex. 2001));

BankAmerica (derivative settlement of \$39.25 million)

(Civil Action No. 85-4779 (C.D. Cal. 1987));

Boston Chicken (class settlement of \$21.5 million)

(Civil Action No. 97-1308 (D. Colo. 2006));

Bristol-Myers Squibb (class settlement of \$20 million)

(Civil Action No. 92-4007 (S.D.N.Y. 1994));

Cephalon (class settlement of \$17 million)

(Civil Action No. 96-0633 (E.D. Pa. 1999));

*In this and all other cases on this list, dates represent the year of settlement. The settlement year for cases that include multiple settlements reflects the first settlement in time.

**Listed among the 100 largest securities class action settlements in the United States since the enactment of the 1933-1934 securities acts.

****CIGNA** (class settlement of \$93 million)
 (Civil Action No. 2:02-8088 (E.D. Pa. 2007));

Coastal Physician Group (class settlement of \$8.15 million)
 (Civil Action No. 1:95-0036 (1998 M.D.N.C.));

Crocker Shareholder Litigation (class settlement of \$35 million)
 (Civil Action No. 7405 (Del. Ch. 1985));

Employee Solutions (class settlement valued at \$15 million)
 (Civil Action No. 97-545 (D. Ariz. 1999));

Fidelity/Micron (class settlement of \$10 million)
 (Civil Action No. 95-12676 (D. Mass. 1997));

****Fleming Companies** (class settlement of \$94 million)
 (MDL No. 1530 (E.D. Tex. 2005));

Genentech (class settlement of \$29 million)
 (Civil Action No. 88-4038 (N.D. Cal. 1991));

****Global Crossing** (class settlement of \$444 million (partial))
 (Civil Action No. 02-910 (S.D.N.Y. 2006));

Home Shopping Network (class settlement of \$18.2 million)
 (Civil Action No. 87-428 (M.D. Fla. 1991));

Long Island Lighting (class settlement of \$48.5 million)
 (Civil Action No. 84-0588 (E.D.N.Y. 1988));

Marconi (class settlement of \$7.1 million)
 (Civil Action No. 01-1259 (W.D. Pa. 2003));

****Medaphis/Deloitte & Touche** (class settlement of \$96.5 million)
 (Civil Action Nos. 96-2088 (N.D. Ga. 1997) and 97-3183 (N.D. Ga. 2000));

MicroWarehouse (class settlement valued at \$30 million)
 (Civil Action No. 96-1920 (D. Conn. 1998));

Motorola (class settlement of \$15 million)
 (Civil Action No. 90-5887 (N.D. Ill. 1995));

Oak Industries (class settlement in excess of \$35 million)
 (Civil Action No. 83-0536 (S.D. Cal. 1983));

Plains All American Pipeline LP (class settlement of \$24.1 million)
 (Civil Action No. 99-4136 (S.D. Tex. 2001));

Policy Management (class settlement of \$32 million)
 (Civil Action No. 3:93-0807 (D.S.C. 1995));

Policy Management II (class settlement of \$7.75 million)

(Civil Action No. 94-1150 (D.S.C. 2001));

Public Service Company of New Mexico (class and derivative settlements of \$33 million)

(Civil Action No. 91-0536 (S.D. Cal. 1992));

Raychem (class settlement of \$19.5 million)

(Civil Action No. 89-20801 (N.D. Cal. 1992));

*****Rite Aid*** (class settlement of \$334 million)

(Civil Action No. 99-1349 (E.D. Pa. 2003));

Safety-Kleen (class settlement of \$44.5 million achieved two days before trial)

(Civil Action No. 3:00-736-17 (D.S.C. 2001));

Sepracor Inc. (class settlement of \$52.5 million)

(Civil Action No. 02-12235 (D. Mass. 2007));

Shopko Stores (class settlement of \$4.9 million)

(Civil Action No. 01-1034 (D. Wis. 2004));

SmithKline Beckman (class settlement of \$22 million)

(Civil Action No. 88-7474 (E.D. Pa. 1990));

**** *Sotheby's Holdings*** (class settlement of \$70 million) including \$30 million from individual officer) (Civil Action No. 00-1041 (S.D. N.Y. 2001));

Summit Technology (class settlement of \$10 million)

(Civil Action No. 96-11589 (D. Mass. 2001));

Sunrise Medical (class settlement of \$20 million)

(Civil Action No. 95-3605 (S.D. Cal. 1996));

Subaru (class settlement of \$70 million)

(Civil Action No. MD 0016-90 (N.J. Super. 1991));

Synergen (class settlement of \$28 million)

(Civil Action No. 93B-402 (D. Colo. 1995));

U.S. Bioscience (class settlement valued at \$15.25 million)

(Civil Action No. 92-678 (E.D. Pa. 1994));

United HealthCare (class settlement of \$20.1 million)

(Civil Action No. 98-1888 (D. Minn. 2000));

United Telecommunications (class settlement of \$28 million)

(Civil Action No. 90-2251 (D. Kan. 1994));

Valujet (class settlement of \$5 million)

(Civil Action No. 1:96-1355 (N.D. Ga. 1999));

W.R. Grace (derivative settlement of \$8.5 million)

(Civil Action No. 95-9003 (S.D. N.Y. 1998));

****Waste Management** (class settlement of \$220 million)

(Civil Action No. 97-7709 (N.D. Ill. 1999));

****Xcel Energy** (class settlement of \$80 million)

(Civil Action No. 02-2627 (D. Minn. 2005)).

Investor Protection

Ms. Savett has helped establish several significant precedents. Among them is the holding (the first ever in a federal appellate court) that municipalities are subject to the anti-fraud provisions of SEC Rule 10b-5 under § 10(b) of the Securities Exchange Act of 1934, and that municipalities that issue bonds are not acting as an arm of the state and therefore are not entitled to immunity from suit in the federal courts under the Eleventh Amendment. *Sonnenfeld v. City and County of Denver*, 100 F.3d 744 (10th Cir.1996).

In the *U.S. Bioscience* securities class action, a biotechnology case where critical discovery was needed from the federal Food and Drug Administration, the court ruled that the FDA may not automatically assert its administrative privilege to block a subpoena and may be subject to discovery depending on the facts of the case. *In re U.S. Bioscience Secur. Litig.*, 150 F.R.D. 80 (E.D. Pa. 1993)

In the *CIGNA Corp. Securities Litigation*, the Court denied defendants' motion for summary judgment, holding that a plaintiff has a right to recover for losses on shares held at the time of a corrective disclosure and his gains on a stock should not offset his losses in determining legally recoverable damages. *In re CIGNA Corp. Securities Litigation*, 459 F. Supp. 2d 338 (E.D. Pa. 2006).

Professional Leadership

Ms. Savett is active in her profession, and is a frequent author and lecturer on prosecuting shareholder and consumer class actions. She was formerly on the board of the Philadelphia Bar Foundation.

In May 2007, Ms. Savett spoke in Rome, Italy at the conference presented by the Litigation Committee of the Dispute Resolution Section of the International Bar Association and the Section of International Law of the American Bar Association on class certification. Ms. Savett participated in a mock hearing before a United States Court on whether to certify a worldwide class action that includes large numbers of European class members.

She has lectured at the Wharton School of the University of Pennsylvania and at the Stanford Law School on prosecuting shareholder class actions. She is frequently invited to present and serve as panelist in American Bar Association, American Law Institute/American Bar Association and Practising Law Institute (PLI) conferences on securities class action litigation and the use of class actions in consumer litigation. She has been a presenter and panelist at PLI's Securities Litigation and Enforcement Institute annually since 1995. She has also spoken at major institutional investor and insurance industry conferences, and DRI -- the Voice of the Defense Bar.

Ms. Savett is a member of the Editorial Board of the *Securities Litigation Report* and has been a contributor to this publication.

She has written numerous articles on securities and complex litigation issues, including:

"Plaintiffs' Vision of Securities Litigation: Trends/Strategies in 2005-2007," 1620 *PLI*, September 2007

"Plaintiffs' Vision of Securities Litigation: Trends/Strategies in 2005-2007," SM086 ALI ABA, June 7-8, 2007

"Securities Class Actions Since the 1995 Reform Act: A Plaintiff's Perspective," 1557 *PLI*, September 2006

"Securities Class Actions Since the 1995 Reform Act: A Plaintiff's Perspective," 1505 *PLI*, September 2005

"Recent Developments in the Lead Plaintiff and Lead Counsel Provisions of the Private Securities Litigation Reform Act (PSLRA)," 1 *Securities Litigation Report*, (Glasser LegalWorks) December 2004-January 2005

“Primary Liability of ‘Secondary’ Actors under the PSLRA,” 1 *Securities Litigation Report*, (Glasser) November 2004

“Securities Class Actions Since the 1995 Reform Act: A Plaintiff’s Perspective,” 1442 *PLI/Corp. 13*, September-October 2004

“Securities Class Actions Since the 1995 Reform Act: A Plaintiff’s Perspective,” SJ084 ALI-ABA 399, May 13-14, 2004

“The ‘Indispensable Tool’ of Shareholder Suits,” *Directors & Boards*, Vol. 28, February 18, 2004

“Plaintiff’s Perspective on How to Obtain Class Certification in Federal Court in a Non-Federal Question Case”, 679 *PLI*, August 2002

“Hurdles in Securities Class Actions: The Impact of Sarbanes-Oxley from a Plaintiff’s Perspective,” 9 *Securities Litigation and Regulation Reporter* (Andrews), December 23, 2003

“Securities Class Actions Since the 1995 Reform Act: A Plaintiff’s Perspective,” SG091 ALI-ABA, May 2-3, 2002

“Securities Class Actions Since the 1995 Reform Act: A Plaintiff’s Perspective,” SF86 ALI-ABA 1023, May 10, 2001

“Greetings from the Plaintiffs’ Class Action Bar: We’ll Be Watching,” SE082 ALI-ABA 739, May 11, 2000

“Preventing Financial Fraud,” B0-00E3 *PLI* BO-00E3 April-May 1999

“Shareholders Class Actions in the Post Reform Act Era,” SD79 ALI-ABA 893, April 30, 1999

“What to Plead and How to Plead the Defendant’s State of Mind in a Federal Securities Class

Action,” with Arthur Stock, *PLI*, ALI/ABA 7239, November 1998

“The Merits Matter Most: Observations on a Changing Landscape under the Private Securities Litigation Reform Act of 1995,” 39 *Arizona Law Review* 525, 1997

“Everything David Needs to Know to Battle Goliath,” ABA Tort & Insurance Practice Section, *The Brief*, Vol. 20, No.3, Spring 1991

“The Derivative Action: An Important Shareholder Vehicle for Insuring Corporate Accountability in Jeopardy,” *PLI* H4-0528, September 1, 1987

“Prosecution of Derivative Actions: A Plaintiff's Perspective,” *PLI* H4-5003, September 1, 1986

Honors

Ms. Savett is widely recognized as a leading litigator and a top female leader in the profession by local and national legal rating organizations.

The Legal Intelligencer and *Pennsylvania Law Weekly* named her one of the “56 Women Leaders in the Profession” in 2004.

In 2004, 2005 and 2007, Berger & Montague was named to the *National Law Journal's* “Hot List” of 12-20 law firms nationally “who specialize in plaintiffs’ side litigation and have excelled in their achievements.” Ms. Savett’s achievements were mentioned, among others’.

Ms. Savett was named a “Pennsylvania Top 50 Female Super Lawyer” and a “Pennsylvania Super Lawyer” from 2004 through 2006 by *Philadelphia Magazine* after an extensive nomination and polling process among Pennsylvania lawyers.

In 2006 and 2007, she was named one of the 500 leading litigators and leading plaintiffs’ litigators in the United States by *Lawdragon*. In 2008, Ms. Savett was named by *Lawdragon* as one of the “500 Leading Lawyers in America.”

Business and Community Leadership

A business leader, Ms. Savett is on the Board of Directors of Pennsylvania Business Bank, and is a member of The Forum of Executive Women.

Ms. Savett is active in community affairs, serving for decades on the Board of Trustees of The Jewish Federation of Philadelphia. She is on the Board of the National Liberty Museum, and is Chairperson of the Southeastern Pennsylvania State of Israel Bonds and is a member of the National Cabinet of Israel Bonds. In 2005, she received The Spirit of Jerusalem Medallion, the State of Israel Bonds' highest honor. She is a former board member of the Philadelphia Chapter of the Weizman Institute, and the American Jewish Committee.

Education

She earned her J.D. from the University of Pennsylvania Law School, and a B.A. *Summa Cum Laude* with Distinction in English Literature from the University of Pennsylvania where she was elected a member of Phi Beta Kappa.

Personal

Ms. Savett and her husband have five children and four grandchildren. In addition to her family, she enjoys tennis, physical training, travel and collecting art, especially glass and sculpture.

Merrill G. Davidoff

Merrill G. Davidoff, a Senior Shareholder in the firm, received a B.A. degree from the University of Pennsylvania in 1969, and a J.D. from the University of Pennsylvania Law School (*cum laude*) in 1973. He is admitted to practice law in the Commonwealth of Pennsylvania, the State of New York, the United States Supreme Court, and numerous federal Courts of Appeal. Mr. Davidoff is Co-Chairman of the Antitrust Department with Mr. Montague, Chairs the Environmental Group, and has litigated and tried a wide range of securities, antitrust, and environmental class actions.

In the Rocky Flats Nuclear Weapons Plant class action where Mr. Davidoff is lead counsel, the Court

held the United States Department of Energy in contempt of court after a one week trial in November, 1995 (reported at 907 F. Supp. 1460 (D. Colo. 1995)). In 2005-2006, this class action finally went to trial (with Mr. Davidoff as lead trial counsel) and, in February 2006, the jury returned a special verdict for the plaintiffs for \$554 million, the largest property damage class action jury verdict ever. The verdict was the third-largest jury verdict of 2006 in the United States, according to *The National Law Journal*. The Rocky Flats trial team led by Mr. Davidoff was also one of seven finalists for the 2006 "Trial Lawyer of the Year" award from the non-profit foundation Trial Lawyers for Public Justice.

In *In re Foreign Currency Fee Antitrust Litigation*, MDL No. 1409, where Mr. Davidoff and Berger & Montague are co-lead counsel, a proposed class action settlement of \$336 million with Visa, MasterCard, and a number of their member banks was recently announced.

In *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation*, MDL No. 1720, one of the largest pending antitrust cases in the United States, H. Laddie Montague, Jr., Mr. Davidoff and Berger & Montague are one of the three Court-appointed co-lead counsel.

During a legal career spanning 33 years, Mr. Davidoff has represented diverse clients, including Burger King Corporation; John I. Haas, Inc.; Joh. Barth & Sohn, A.G.; Karhu, Inc.; Rexroth Corporation/Rexroth GmbH; ADVO System, Inc.; the LeFrak Organization; Mannesmann A.G.; Championship Auto Racing Teams, Inc.; Cascade Steel Rolling Mills, Inc.; Carpenter Technology Corp.; the State of New Jersey; and the City of Philadelphia. He has also represented many other large and small companies, sports teams, professional organizations, individuals and professional firms. He has acted as lead counsel and trial counsel in numerous antitrust, commercial, environmental, and securities cases. He represented Championship Auto Racing Teams ("CART"), a major Indy-car race-sanctioning organization, in a series of antitrust cases against Indianapolis Motor Speedway and others.

Mr. Davidoff has been a speaker at American Trial Lawyers Association meetings and seminars, and has addressed the Environmental and Toxic Torts Section at the National Convention of ATLA. He is also a member of the Antitrust and Business Law Sections of the American Bar Association, and served on the subcommittee of the American Bar Association Antitrust Section which prepared the 1985 supplement to the "Antitrust Civil Jury Instructions."

Mr. Davidoff served as co-lead and trial counsel for a plaintiff class in the first mass tort class action trial in federal court which resulted in a precedent-setting settlement for class members, *In re Louisville Explosions Litigation*. In the Canadian Radio-Television and Telecommunications Commission ("CRTC") Decisions (*Challenge Communications, Ltd. v. Bell Canada*), Mr. Davidoff was lead counsel for Applicant (plaintiff) in three evidentiary hearings before the CRTC. The hearings resulted in the first precedent breaking Bell Canada's monopoly over the telecommunications equipment which was connected to its telephone network. He was lead counsel in the *Revco Securities Litigation*, an innovative "junk bond" class action, which settled for \$36 million. Mr. Davidoff was lead plaintiffs' counsel and lead trial counsel in *In re Melridge Securities Litigation*, tried to jury verdicts for \$88 million (securities fraud) and \$240 million (RICO). He was co-lead counsel for the class in the *In re Graphite Electrodes Antitrust Litigation*, an international price-fixing case which yielded settlements ranging from 18% to 32% of the plaintiffs' and class' purchases from the defendants (aggregate settlements totaled \$134 million). He was one of co-lead counsel in the *Ikon Securities Litigation*, in which a settlement of \$111 million was obtained. He was co-lead counsel and designated lead trial counsel in the *In Re Sunbeam Securities Litigation*, where settlements of \$142 million were reached. One of his areas of concentration is representation in commodities futures and options matters, and expertise in derivatives. He has represented market-makers on the Philadelphia Stock Exchange, where he owned a member firm in the early 1990s, as well as broker-dealers and market-makers on other exchanges.

Recently, Chambers & Partners highly-regarded Chambers USA Edition rated Berger & Montague's Antitrust Practice as "the top choice for plaintiff antitrust representation, particularly in complex class actions." Mr. Davidoff was described as a "giant in the field."

Daniel Berger

Daniel Berger graduated with honors from Princeton University (Class of 1969) and Columbia Law School (1974) where he was a Harlan Fiske Stone academic scholar. He is presently a senior member and shareholder of the firm, for which he serves as Managing Shareholder. Over the last 15 years, he has been involved in a number of complicated commercial cases including class action securities, antitrust, mass tort and bankruptcy cases. In the antitrust area, he has headed up the firm's involvement in highly successful litigation against brand and generic prescription drug manufacturers in which the Berger Firm has been co-lead counsel, a member of various executive committees or otherwise played a key role including, *inter alia*, the following cases: Duane Reade Co. v. Aventis

et al. (\$110 million settlement involving prescription drug Hytrin); Louisiana Wholesale Drug Co. v. Bristol-Myers Squibb (\$220 million settlement involving prescription drug Buspar); Valley Drug Co. v. Abbott Laboratories et al., (pending case involving agreements by brand and generic drug companies to delay generic entry); Louisiana Wholesale Drug Co. v. Schering Plough (pending case involving agreements by brand and generic drug companies to delay generic entry); and Louisiana Wholesale Drug Co. v. Glaxo SmithKline Co. (pending case involving fraud on the U.S. Patent Office and improper FDA listing by a brand prescription drug manufacturer which delayed generic entry. In the civil rights area, he has been counsel in informed consent cases involving biomedical research and human experimentation by federal and state governmental entities.

Daniel Berger also has a background in the study of economics having done graduate level work in applied micro-economics and macro-economic theory, the business cycle and economic history. He has published law review articles in the *Yale Law Journal*, the *Duke University Journal of Law and Contemporary Problems* and the *New York Law School Law Review* and worked with the American Law Institute /American Bar Association program on continuing legal education. He has been affiliated with the Kennedy School of Government through the Shorenstein center of Media and Public Policy at Harvard University.

Mr. Berger has been active in city government in Philadelphia and was a member of the Mayor's Cultural Advisory Council, advising the Mayor of Philadelphia on arts policy and the Philadelphia Cultural Fund, which is responsible for all city grants to arts organizations. Mr. Berger was also a member of the Pennsylvania Humanities Council, one of the State organizations through which the National Endowment for the Humanities makes grants.

Mr. Berger is also an author and journalist and has published in the *Nation* magazine and reviewed books for the *Philadelphia Inquirer*.

Todd S. Collins

Todd S. Collins is a graduate of the University of Pennsylvania (B.A. 1973) and the University of Pennsylvania Law School (J.D. 1978), where he won the 1978 Henry C. Laughlin Prize for Legal Ethics. He is a member of the Pennsylvania and Delaware Bars. Since joining Berger & Montague in 1982, following litigation and corporate experience in Wilmington, Delaware and Philadelphia, he has concentrated on complex class litigation, including cases on behalf of securities purchasers,

shareholders, trust beneficiaries, and retirement plan participants and beneficiaries.

Mr. Collins has served as lead counsel or co-lead counsel in numerous cases that have achieved significant benefits on behalf of the Class. These cases include: *In re AMF Bowling Securities Litigation*, 99 Civ. 3023 (PKC) (S.D.N.Y.) (\$20 million recovery, principally against investment banks, where defendants asserted that class suffered no damages); *Ashworth Securities Litigation*; Master File No. 99 CV 0121-L (JFS) (S.D. Cal.) (\$15.25 million recovery, coupled with substantial corporate therapeutic relief); *In re Aero Systems, Inc. Securities Litigation*, Case No. 90-0083-CIV-PAINE (S.D. Fla.) (settlement equal to 90 percent or more of Class members' estimated damages); *Price v. Wilmington Trust Co.*, Case No. 12476 (Del. Ch.) (in litigation against bank trustee for breach of fiduciary duty, settlement equal to 70% of the losses of the Class of trust beneficiaries); *In re Telematics International, Inc. Securities Litigation*, Case No. 89-6015-CIV-PAINE (S.D. Fla.) (settlements achieved, after extensive litigation, following 11th Circuit reversal of dismissal below); *In re Ex-Cell-O Securities Litigation*, Case Nos. 86 CV 73442 DT and 86 CV 75335 DT (E.D. Mich.); *In re Sequoia Systems, Inc.* Case No. 92-11431-WD (D. Mass.); *In re Sapiens International, Inc. Securities Litigation*, Case No. 94 Civ. 3315 (RPP) (S.D.N.Y.); *In re Datastream Securities Litigation*, Case No. 9-99-0088-13 (D.S.C.); *Copland v. Tolson* (Fischer & Porter Corporate Litigation), Case No. 93008366-09-5 (C.P. Bucks County, Pa.) (on eve of trial, in case against corporate principals for breach of fiduciary duty, settlement reached that represented 65% or more of claimants' losses, with settlement funded entirely from individual defendants' personal funds); and *In re IKON Office Solutions, Inc. Securities Litigation*, Case No. 98-CV-5483 (E.D. Pa.). In *IKON*, where Mr. Collins was co-lead counsel as well as chief spokesman for plaintiffs and the Class before the Court, plaintiffs' counsel created a fund of \$111 million for the benefit of the Class.

In addition, Mr. Collins has served as lead or co-lead counsel in several of the leading cases asserting the ERISA rights of 401(k) plan participants. Mr. Collins currently serves as co-lead counsel in *In re Lucent Technologies, Inc. ERISA Litigation*, No. 01-CV-3491 (D.N.J.); *In re Nortel Networks Corp. ERISA Litigation*, No. 03-MD-1537 (M.D. Tenn.); and *In re SPX Corporation ERISA Litigation*, Master File No. 04-CV-192 (W.D. N.C.). In *Lucent*, in the past year, Mr. Collins and his team achieved an excellent result, consisting of \$69 million for the benefit of plan participants as well as substantial injunctive relieve with respect to the operation of the 401(k) plans.

Mr. Collins is at the forefront of litigation designed to achieve meaningful corporate governance reform. Recently, he brought to a successful conclusion two landmark cases in which corporate therapeutics are at the core of the relief obtained. In *Oorbeek v. FPL Group, Inc.* (S.D. Fla.), a

corporate derivative action brought on behalf of the shareholders of FPL Group, plaintiffs challenged excessive “change of control” payments made to top executives. In settlement, plaintiffs recovered not only a substantial cash amount, but also a range of improvements in FPL’s corporate governance structure intended to promote the independence of the outsider directors.

Similarly, in *Ashworth Securities Litigation* (S.D. Cal.), a Section 10(b) fraud case, in which Mr. Collins was co-lead counsel, plaintiffs again have been successful in recovering millions of dollars and also securing important governance changes. The goal is to compensate the victims of wrongdoing and also, where appropriate, to make those structural changes necessary to make sure that such wrongdoing will never recur.

Glen L. Abramson

Glen L. Abramson has been a member of Berger & Montague's Securities Litigation Department since 2003, concentrating his practice in the area of complex securities class action litigation. Prior to joining Berger & Montague, he worked at Dechert LLP in Philadelphia, where he handled complex commercial litigation, product liability, intellectual property, and civil rights disputes. While at Dechert, Mr. Abramson co-chaired a civil rights trial in federal court that led to a six-figure verdict. Mr. Abramson also spent three years as a professional equities trader.

Currently Mr. Abramson represents both public and private institutional investors, as well as high-net-worth individuals, in several high-profile securities fraud class actions. He is actively involved in *In re Mutual Funds Investment Litigation*, where Berger & Montague is a member of the Steering Committee, and represents the interest of investors who were harmed as a result of the mutual fund industry's recent market timing and late trading scandal.

Mr. Abramson is also active in pursuing corporate governance reform on behalf of institutional investors. He is a member of the National Association of Public Pension Attorneys (NAPPA), and had contributed to an article titled "The Indispensable Tool of Shareholder Suits: Private Securities Litigation as a Remedy for Failed Governance" in *Directors & Boards* magazine (Vol. 28, No. 2, Winter 2004). Mr. Abramson has also commented on securities fraud cases for several publications, including *The Economist*.

Mr. Abramson was awarded a B.A. from Cornell University where he was elected to Phi Beta Kappa. He holds a J.D. *cum laude* from the Harvard Law School, where he was a member of the Harvard Legal Aid Bureau. He is admitted to practice law in Pennsylvania and New Jersey.

Gary L. Azorsky

Gary L. Azorsky joined Berger & Montague, P.C. as a shareholder of the firm in 2002 and concentrates his practice on qui tam litigation in addition to commercial class actions and complex commercial litigation. Previously, Mr. Azorsky had been actively involved in groundbreaking civil rights, commercial and intellectual property litigation, including Internet and software industry-related litigation, as a partner at the Philadelphia firm of Mesirov Gelman Jaffe Cramer & Jamieson, and later as a partner at the Philadelphia firm of Schnader Harrison Segal & Lewis.

Since joining Berger, Mr. Azorsky has focused primarily on qui tam litigation, particularly in the context of the health care industry. He works extensively representing whistleblowers in both state and federal court. A series of False Claims Act cases against drug companies for fraudulent Medicaid and Medicare drug pricing has led to recoveries of over \$200 million, including a \$150 million settlement with GlaxoSmithKline PLC.

Mr. Azorsky is admitted to the bars in both Pennsylvania and New Jersey.

Mr. Azorsky is a graduate of The University of Pennsylvania (B.A. 1980) and Cornell University Law School (J.D. 1983).

Jonathan D. Berger

Jonathan D. Berger is a graduate of the Wharton School of the University of Pennsylvania (B.S., Economics, 1980) and the Delaware Law School (J.D. 1985). Mr. Berger was a Judicial Law Clerk for the Honorable Charles P. Mirarchi, Jr., Court of Common Pleas of Philadelphia in 1986 and 1987. Since joining Berger & Montague, in September 1987, he has been involved in class actions and complex commercial litigation including the *Exxon Valdez Oil Spill Litigation*; *Norplant Contraceptive Litigation*; *In re Domestic Airlines Antitrust Litigation*, 137 F.R.D. 677 (N.D. Ga. 1991); *Ford/Firestone MDL Litigation*; *Unisys ERISA Benefits Litigation*; *In re Asbestos School Litigation*, Master File No. 83-0268 (E.D. Pa); *Commercial Explosives Antitrust Litigation*; and *Vitamins Antitrust Litigation*. Additionally, Mr. Berger has been actively engaged in other complex cases including multi-party litigation involving hydraulic engineered systems.

Carole A. Broderick

Carole A. Broderick is a 1952 graduate of Cornell University where she received a Bachelor of Arts degree. She is a 1957 graduate of the University of Pennsylvania Law School, where she was awarded an L.L.B. and was a member of the *Law Review*. She has practiced before the Securities and Exchange Commission and actively participated in the prosecution and trial of complex securities and antitrust litigation. She is admitted to practice law in the Commonwealth of Pennsylvania.

Gary E. Cantor

Gary E. Cantor is a graduate of Rutgers College (B.A., *magna cum laude*, 1974, with highest distinction in economics) where he was a member of Phi Beta Kappa, and the University of Pennsylvania Law School (J.D. 1977), where he was a member of the Moot Court Board and the author of a law review comment on computer-generated evidence. He was admitted to the Pennsylvania bar in 1977. Since joining the Berger firm in 1977, he has concentrated on complex litigation, particularly securities litigation and securities valuations. Among other cases, Mr. Cantor has served as co-lead counsel in *Steiner v. Phillips, et al.* (Southmark Securities), Consolidated C.A. No. 3-89-1387-X (N.D. Tex.), which resulted in several payments to the Settlement Fund of \$82.5 million, and *In re Kenbee Limited Partnerships Litigation*, Civil Action No. 91-2174 (GEB), a class action involving 119 separate limited partnerships resulting in cash settlement and debt restructuring (with as much as \$100 million in wrap mortgage reductions). In addition, he played a major leadership role in: *In re Sepracor Inc. Securities Litigation*, Civil Action no. 02-12235-MEL (D. Mass.)(52.5 million settlement approved September 6, 2007); *In re Marconi, Plc, Securities Litigation*, Civil Action No. 2:01-CV-1259 (W.D. Pa.)(7.1 million settlement approved January 16, 2004); *In re Sotheby's Holding, Inc. Securities Litigation*, No. 00 Civ. 1041 (DLC) (S.D.N.Y.)(70 million class settlement); *In re Fidelity/Micron Securities Litigation*, Civil Action No. 95-12676-RGS (D. Mass.)(10 million class settlement); *In re Tucson Electric Power Company Securities Litigation*, C.A. No. 89-1274 PHX (WPC C.D. Ariz.)(30 million settlement of class and derivative actions). He was also actively involved in the *Waste Management Securities Litigation* (class settlement of \$220 million).

In addition, Mr. Cantor has also concentrated on securities valuations and the preparation of damage studies or the supervision of outside damage experts for many of the firm's securities cases, including many of the cases listed under Prominent Judgments and Settlements above.

Mr. Cantor has been active in numerous community service activities, including serving as treasurer, president and board chairman of a private school.

Shanon J. Carson

Shanon J. Carson is a graduate of the Indiana University of Pennsylvania (B.A. *cum laude* 1996 - Criminology) and the Dickinson School of Law of the Pennsylvania State University (J.D. 2000). While in law school, Mr. Carson was Senior Editor of the Dickinson Law Review, and also served

as a law clerk for the Honorable William W. Caldwell, Senior Judge, United States District Court, Middle District of Pennsylvania. Since joining Berger & Montague in August of 2000, Mr. Carson has concentrated his practice in the areas of employment discrimination, civil rights, products liability and other commercial litigation, and complex class action litigation. Mr. Carson is admitted to practice in the Commonwealth of Pennsylvania

Bart D. Cohen

Bart Cohen graduated from the University of Pennsylvania in 1984 with two degrees, from the Wharton School and the School of Engineering and Applied Science. After working as a software developer, he graduated in 1989 from the Georgetown University Law Center, where he was a member of the American Criminal Law Review, and authored the "1987 Computer Crime Update" in the journal's survey of white collar crime. Since joining the Berger firm in 1991, Mr. Cohen has concentrated on antitrust litigation, including *In re Infant Formula Antitrust Litigation*, (N.D. Fla. 1993), *In re Carbon Dioxide Antitrust Litigation*, (M.D. Fla. 1996), and *Callahan v. A.E.V., Inc.*, 182 F.3d 237 (3rd Cir. 1999) (reversing dismissal of antitrust claims of several small beer distributors). He has also represented an automobile dealership in antitrust litigation against its franchisor, *Mercedes-Benz, U.S.A. v. Coast Automotive Group, Ltd.*, (D.N.J.). Mr. Cohen is admitted to practice in the Commonwealth of Pennsylvania, the Eastern District of Pennsylvania and the Eleventh Circuit Court of Appeals.

Eric L. Cramer

Eric L. Cramer graduated *summa cum laude* from Princeton University (A.B. 1989), where he was selected for Phi Beta Kappa, and *cum laude* from Harvard Law School (J.D. 1993). He is admitted to practice in Pennsylvania and New York, and various federal courts.

In June 2005, Chambers USA *America's Leading Lawyers for Business* honored Mr. Cramer as one of Philadelphia's "up and coming" antitrust lawyers, noting that he is "admired [by his peers] for his strong analytical skills" and recognized for his "expert knowledge of the economic side of the law." Moreover, the June 2005 edition of Philadelphia Magazine selected Mr. Cramer as one of the City's "Super Lawyers," based on his work in the antitrust field.

Since joining Berger & Montague in 1995, Mr. Cramer has concentrated his practice in complex

public protection litigation, representing victims of mass torts and those injured by violations of antitrust and consumer protection laws. Mr. Cramer has spent the past five years prosecuting antitrust class actions on behalf of direct purchasers of brand name drugs, charging pharmaceutical manufacturers with illegally blocking the market entry of less expensive competitor drugs. In four such cases, Mr. Cramer was significantly responsible for winning class certification. See *In re Cardizem CD Antitrust Litig.*, 200 F.R.D. 297 (E.D. Mich. 2001); *In re Buspirone Patent & Antitrust Litig.*, 210 F.R.D. 43 (S.D.N.Y. 2002); *In re Premarin Antitrust Litig.*, 225 F.R.D. 208 (S.D. Ohio 2003); and *In re Relafen Antitrust Litig.*, 218 F.R.D. 337 (D. Mass. 2003).

In the last three years, Mr. Cramer and his colleagues have won substantial settlements in six of these cases for a combined total of more than \$700 million: *Cardizem* settled in November 2002 for \$110 million; *Buspirone* settled in April of 2003 for \$220 million; *Relafen* settled in February 2004 for \$175 million; *In re Platinol Antitrust Litig.* settled in November 2004 for \$50 million; *In re Terazosin Hydrochloride Antitrust Litig.* settled in April 2005 for nearly \$75 million; and *In re Remeron Antitrust Litig.* settled in November 2005 for \$75 million.

In addition, Mr. Cramer was significantly responsible for winning class certification in *In re Microcrystalline Cellulose Antitrust Litigation*, No. 01-CV-111 (E.D. Pa. Aug. 13, 2003).

Mr. Cramer recently co-sponsored, and presented at, a symposium in November 2004, focusing on antitrust issues in the pharmaceutical industry, at the University of San Francisco School of Law. Several articles from the symposium were published in the Fall 2004 edition of that school's law review, including a piece co-authored by Mr. Cramer with his partner, Daniel Berger, entitled *The Superiority of Direct Proof of Monopoly Power and Anticompetitive Effects in Antitrust Cases Involving Delayed Entry of Generic Drugs*, 39 U.S.F. Law Rev. 81 (Fall 2004). Mr. Cramer has also taught several seminars on the law of class actions and expert witnesses sponsored by the National Business Institute in Philadelphia.

Mr. Cramer began his career representing victims of human radiation experimentation carried out by the federal government in conjunction with state and private actors as part of the U.S. atomic weapons program during the Cold War. He helped resolve two such cases for over \$4.7 million combined, and was principally responsible for a reversal by the Ninth Circuit Court of Appeals of a summary judgment dismissal of one of those cases on statute of limitations grounds. See *Bibeau, et al. v. Pacific Northwest Research Foundation, et al.*, 188 F.3d 1105 (9th Cir. 1999).

Mr. Cramer is also active in community affairs, specifically those involving public education. He is a co-founder, current member, and past President of the Board of Trustees of the Independence Charter School, for which he also acted as litigation counsel. After a successful appeal to the Pennsylvania Charter School Appeal Board, which granted the school a charter, Mr. Cramer secured an affirmance by the Commonwealth Court. *See School District of Philadelphia v. Independence Charter School*, 2001 Pa. Commw. LEXIS 279 (May 3, 2001). The Center City Philadelphia charter school opened its doors to nearly three-hundred elementary age school children in the Fall of 2001. Mr. Cramer also serves on the Board of the Center for Literacy, one of largest non-profit adult literacy organizations in the country.

Michael C. Dell'Angelo

Michael C. Dell'Angelo specializes in antitrust, securities and complex litigation. Since joining Berger & Montague, Mr. Dell'Angelo has handled cases in a variety of fields and has represented successfully public and private institutional investors and high-net-worth individuals in securities related litigation as well as industrial manufacturers and wholesale purchasers of prescription drug products in antitrust and commercial litigation matters. A substantial portion of his practice involves parties domiciled in Canada and Europe.

Mr. Dell'Angelo was recently selected to the 2007 Pennsylvania Super Lawyers – Rising Stars Division, for his work in class action litigation, a designation awarded to the 2.5 percent of the best up-and-coming attorneys in Pennsylvania. He is regularly invited to speak at Continuing Legal Education and other seminars both locally and abroad including, most recently, the “Shareholder Responsibility & Class Action Law” Forum in London. Mr. Dell'Angelo currently serves as the Third Circuit Editor of the American Bar Association’s quarterly publication, “Class Action and Derivative Suits.” He is a member of the Philadelphia and American Bar Associations.

Prior to joining Berger & Montague, Mr. Dell'Angelo was an associate at Miller Faucher and Cafferty LLP, where he concentrated in antitrust, securities, and complex commercial litigation. In his capacity at Miller Faucher, Mr. Dell'Angelo also practiced before the Federal Trade Commission. He also devoted a substantial portion of his practice to the prosecution of numerous class action law suits on behalf of survivors of slave labor during the Holocaust. These suits, against German

companies, resulted in a \$5.2 billion German Foundation to pay Nazi-era claims.

Mr. Dell'Angelo's *pro bono* work includes the representation of an Alabama death row inmate. That representation resulted in a reversal of the client's sentencing by the Sixth Circuit and a grant of a writ of habeas corpus vacating the client's death sentence.

Mr. Dell'Angelo graduated from Connecticut College (B.A. 1994) and The Catholic University of America, Columbus School of Law (J.D. 1997). At the Columbus School of Law he was a member of the Moot Court Honor Society and Phi Delta Phi.

Lawrence Deutsch

Lawrence Deutsch is a graduate of Boston University (B.A. 1973), George Washington University School of Government and Business Administration (M.S.A. 1979), and Temple University's School of Law (J.D. 1985). He became a member of the Pennsylvania Bar in 1986 and the New Jersey Bar in 1987. He has been admitted to practice in Eastern District of Pennsylvania, the First Circuit Court of Appeals, the Second Circuit Court of Appeals, the Third Circuit Court of Appeals, the Supreme Court of Pennsylvania, the Supreme Court of New Jersey, and the U.S. Court of Federal Claims. He has also been admitted to practice in various jurisdictions across the country for specific cases.

At the Berger firm, Mr. Deutsch has been involved in numerous major securities class action cases. Recently he served as one of lead counsel in the *In Re Sunbeam Securities Litigation* class action concerning "Chainsaw" Al Dunlap (recovery of over \$142 million for the class in 2002). Similarly, Mr. Deutsch served as a member of the Executive Committee for the securities litigation regarding *Mattel Corporation* (recovery of \$122 million finalized in 2006). Presently he serves as one of Lead Counsel in the class litigation regarding the *Scudder* mutual funds, a track of the Mutual Funds Market Timing consortium of cases. These cases seek recovery for mutual fund purchasers and holders against participants in the widespread scheme to market time and late trade mutual funds. In addition, he is serving as lead counsel on behalf of Class A shareholders against the *Philadelphia Stock Exchange*, its management and six investment firms concerning the rights and valuation of their shareholdings. Mr. Deutsch has also represented plaintiffs in matters of corporate governance, broker/dealer arbitrations, and consumer fraud.

In addition to his litigation work, Mr. Deutsch has been a member of the firm's Administrative Committee and also manages the firm's paralegals. Mr. Deutsch has also been active on behalf of children with disabilities, having served as President of the Pathway Parents Association.

Prior to joining the Berger firm, Mr. Deutsch was in the Peace Corps from 1973-1976, working in Costa Rica, the Dominican Republic and Belize. He then worked for ten years at the United States General Services Administration.

Michael T. Fantini

Michael T. Fantini is a graduate of Saint Joseph's University (B.S. *magna cum laude* 1986) and George Washington National Law Center (J.D. with honors 1989), where he was a member of the Moot Court Board. Prior to joining the Berger firm, he was a litigation associate in the Washington, D.C. office of Dechert, Price & Rhoads. Since joining the Berger firm in 1992, Mr. Fantini has concentrated in consumer and securities fraud class action litigation. Some notable consumer cases include: *In re Educational Testing Service Praxis Principles of Learning and Teaching: Grade 7-12 Litigation*, MDL No. 1643 (E.D. La. 2006) (settlement of \$11.1 million on behalf of persons who were incorrectly scored on a teachers' licensing exam); *Block v. McDonald's Corporation*, No: 01CH9137 (Cir. Ct. Of Cook County, Ill.) (settlement of \$12.5 million where McDonald's failed to disclose beef fat in french fries); *Fitz, Inc. v. Ralph Wilson Plastics Co.*, No. 1-94-CV-0601 7 (D. N.J.) (claims-made settlement whereby fabricators fully recovered their losses resulting from defective contact adhesives); *Parker, et al v. American Isuzu Motors, Inc.*; No: 3476 (CCP, Philadelphia County) (claims-made settlement whereby class members recovered \$500 each for their economic damages caused by faulty brakes); *Crawford v. Philadelphia Hotel Operating Co.*, No: 04030070 (CCP Phila. Cty. 2005) (claims- made settlement whereby persons with food poisoning recovered \$1,500 each); and *In re TJX Companies Retail Security Breach Litigation*, Master Docket No. 07-10162 (D. Mass) (pending class action brought on behalf of persons whose personal and financial data were compromised in the largest computer theft of personal data in history. Some notable securities cases include: *In re PSINet Securities Litigation*, No: 00-1850-A (E.D. Va.) (settlement in excess of \$17 million); *Ahearn v. Credit Suisse First Boston, LLC*, No: 03-10956 (D. Mass.) (settlement of \$8 million); and *In re Nesco Securities Litigation*, 4:01-CV-0827 (N.D. Okla.). Mr. Fantini is also involved in *Benzman, et al v. Whitman, et al.*, No:04-01 888 (S.D.N.Y.), a class action suit brought by residents, students, and office workers of Lower Manhattan against the Environmental Protection Agency and certain of its top officials for their failure to clean up hazardous substances after the September 11, 2001 terrorist attacks. Finally, Mr. Fantini is currently representing the City of Philadelphia and the City of Chicago in separate suits against certain online

travel companies for their failure to pay hotel taxes. Mr. Fantini is licensed to practice in the Commonwealth of Pennsylvania and the District of Columbia.

Bret Flaherty

Bret Flaherty graduated from the University of Pennsylvania (B.A. 1989 in Economics and Political Science) and from Tulane University Law School (J.D. *cum laude* 1992). He is admitted to practice in the Commonwealth of Pennsylvania.

He specializes in complex commercial and consumer protection litigation and transactional corporate law. He was the sole associate for a claimed 10 year verbal contract case which resulted in a \$30 million recovery for the client. *See Provident American Corp. and Provident Indemnity Life Insurance Company v. The Loewen Group Inc. and Loewen Group International Inc.*, E.D. Pa., Civil Action No. 92-1964.

Mr. Flaherty is actively involved with Asian American United, a community based organization located in Chinatown serving Philadelphia's diverse Asian communities.

Charles P. Goodwin

Mr. Goodwin joined Berger & Montague, following his 1992 graduation *cum laude* from the University of Pennsylvania Law School, where he was an editor of the *University of Pennsylvania Law Review*. Prior to attending law school, Mr. Goodwin graduated *cum laude* from Williams College (where he received the Graves Essay Prize in economics), and enrolled in graduate studies in economics at Stanford University. Mr. Goodwin also has engaged in commercial litigation practice in New York. With Berger & Montague, Mr. Goodwin is concentrating in antitrust and employee benefits litigation. Mr. Goodwin is admitted to practice law in the Commonwealth of Pennsylvania.

Ruthanne Gordon

Ruthanne Gordon is a graduate of the University of Michigan (B.A. 1974) and the University of Pennsylvania Law School (J.D. 1979). Since joining the Berger firm in 1982, she has concentrated on the litigation of antitrust, securities and environmental class actions, and derivative litigation, including the following complex antitrust cases, among others: *In re Microcrystalline Cellulose*

Antitrust Litigation (E.D. Pa.)(shortly before trial the case was settled for \$50 million); *In re Currency Conversion Fee Antitrust Litigation* (\$336 million settlement pending); *In re Compact Disc Antitrust Litigation*; *State of Connecticut v. Philip Morris, Inc., et al.*, in which the State of Connecticut recovered approximately \$3.6 billion from certain manufacturers of tobacco products; and *In re Commercial Tissue Antitrust Litigation*. She has also played a lead role in litigation involving the following industries: the real estate industry (*Lyons v. Calderone, et al.* (D.N.J.); *Best v. Koger Equity, Inc., et al.* (M.D. Fla.)); the computer industry (*In re Convex Computer Corporation Securities Litigation* (N.D. Tex.); *Heideman v. Toreson, et al.* (N.D. Cal.)); public utilities (*In re Philadelphia Electric Company Derivative Litigation* (Phila. C.C.P.); *In re PSE&G Derivative Litigation* (N.J. Super. Ct. Ch. Div.)); the environmental services industry (*Houston Corporation v. Environmental Systems Company, et al.* (E.D. Ark.)); the tobacco industry (*Friedman v. RJR Nabisco, Inc., et al.* (S.D.N.Y.)); the biotechnology industry (*In re Biogen Inc. Securities Litigation* (D. Mass.)); and the healthcare industry (*In re W.R. Grace & Co. Securities Litigation* (S.D.N.Y.)), among others.

Ms. Gordon was co-lead counsel in *In re PSE&G Derivative Litigation*, where she argued complex issues of first impression before the New Jersey Supreme Court. She was also counsel in *In re Louisville Explosion Litigation*, a class action case alleging property damage, which was prosecuted through a six-week trial and settled at the close of plaintiffs' case for more than one hundred percent of actual damages.

In addition, Ms. Gordon represented a class of Pennsylvania inmates in a federal civil rights class action, which resulted in the establishment of a statewide treatment program for Pennsylvania inmates suffering from post-traumatic stress disorder as a result of their service in the Vietnam war.

Russ Henkin

Russ Henkin graduated from American University in Washington, D.C. in 1969 with a Bachelor of Science Degree with honors. He graduated from the University of Pennsylvania Law School in 1972. Mr. Henkin was law clerk to Honorable Maurice W. Sporkin in the Pennsylvania Court of Common Pleas for Philadelphia County from 1972 through 1975. From 1973 through 1975, he also worked in a small personal injury firm, trying plaintiffs' personal injury cases. He worked as an associate with the Berger firm from 1975 through 1980. During that time, he was involved in or tried complex civil litigation matters. His cases included fraud matters, securities matters, breach of contract, restrictive employment covenant litigation, eminent domain litigation, and divorce, among other fields.

From 1980 through 1991, he was associated with another firm, again involved in trials of complex civil litigation matters. His cases involved antitrust, bankruptcy litigation and reorganization, contracts, malpractice, products liability, employment discrimination, commercial disparagement litigation, business separation litigation, emotional distress litigation, claims and defense under the Racketeer Influenced and Corrupt Organization Act ("RICO"), stock fraud and foreclosure/workout and other trials. Representative results included confirmation of a \$20 million plan of reorganization for a psychiatric hospital company, and successful defense against a \$30 million RICO suit.

In June 1991, Mr. Henkin returned to the Berger firm, and is again trying complex civil matters. Those matters involve areas such as stock fraud, class action personal injury, breach of contract and consumer fraud, and lender liability. In one of his cases, he achieved a \$30 million recovery in a claimed 10 year verbal contract case.

Mr. Henkin is admitted to practice law in the Commonwealth of Pennsylvania and the State of Florida.

Peter R. Kahana

Peter R. Kahana is a Phi Beta Kappa graduate of Dickinson College (B.A. *magna cum laude* 1977) with a degree in Philosophy. Mr. Kahana graduated from Villanova Law School (J.D. 1980) where he was a member of the *Villanova Law Review*. He is admitted to practice in the Commonwealth of Pennsylvania and has clerked at the appellate court level for The Honorable Gwilym A. Price, Jr., of the Superior Court of Pennsylvania. Following his clerkship, Mr. Kahana joined the Berger firm in 1981. Mr. Kahana has diverse trial and appellate court experience in complex civil and class action litigation, and he has successfully represented both plaintiffs and defendants in numerous state and federal courts across the country. Mr. Kahana has also played a leading role in major antitrust and environmental litigation, including cases such as *In re Brand Name Prescription Drugs Antitrust Litigation* (\$723 million settlement), *In re Ashland Oil Spill Litigation* (\$30 million settlement), and *In re The Exxon Valdez* (\$286 million compensatory damage and \$5 billion punitive damage award – currently on appeal). In connection with his work as a member of the litigation team that prosecuted *In re The Exxon Valdez*, Mr. Kahana was selected to share the 1995 Trial Lawyer of the Year Award by The Trial Lawyers for Public Justice Foundation.

Peter Russell Kohn

Peter Kohn is a 1989 graduate of the University of Pennsylvania (B.A., English) and a 1992 *cum*

laude graduate of Temple University Law School, where he was senior staff for the *Temple Law Review* and recipient of awards for trial advocacy. Prior to joining the firm in July of 2000, Mr. Kohn defended products liability, toxic and mass tort cases on behalf of insureds and self-insureds at LaBrum & Doak (1992-1994) and prosecuted toxic tort, civil rights, class, and MDL actions at Monheit, Monheit, Silverman & Fodera (1994-2000), where he specialized in lead-based paint-related litigation. He is a member of the bars of the Supreme Court of Pennsylvania, the United States District Court for the Eastern District of Pennsylvania, and the United States Court of Appeals for the Third Circuit, as well as of the Association of Trial Lawyers of America and Trial Lawyers for Public Justice. Mr. Kohn is an member of the legal advisory board for Quackwatch, an affiliate of the National Council for Reliable Health Information

Lawrence J. Lederer

Lawrence J. Lederer concentrates in complex commercial litigation. He represents plaintiffs and defendants in class and individual actions, particularly in the securities, bankruptcy and contract areas.

In securities litigation, Mr. Lederer participated in several class and individual actions resulting in multi-million dollar recoveries for plaintiff investors, including the celebrated Drexel/Milken/Boesky complex of cases. *See, e.g., In re Michael R. Milken and Associates Securities Litigation*, MDL Dkt. No. 924, Master File No. M21-62 (MP), 1993 U.S. Dist. LEXIS 14242, 1993 WL 413673 (S.D.N.Y. Oct. 7, 1993) (approving approximately \$1.3 billion overall settlement with Michael R. Milken and related persons and entities), *aff'd*, 995 F.2d 1138 (2d Cir. 1993); *Presidential Life Insurance Co. v. Milken, et al.*, 946 F. Supp. 267 (S.D.N.Y. 1996) (\$50 million settlement in novel "global" class action of all previously unasserted claims against some 500 defendants); *In re Ivan F. Boesky Securities Litigation*, 948 F.2d 1358 (2d Cir. 1991) (affirming district court approval of "first tier" settlements totaling approximately \$29 million against Ivan F. Boesky and others; related "second tier" class, derivative and other settlements subsequently approved totaling in excess of \$200 million).

More recently, Mr. Lederer was lead counsel for a group of private shareholders who sold their companies to a large publicly-held corporation in exchange for \$103.5 million in stock. *Kelly v. McKesson HBOC, Inc.*, C.A. No. 99C-09-265 WCC, 2002 Del. Super. LEXIS 39 (Del. Super. Jan 17, 2002). Following extensive discovery, that case was settled on the eve of trial yielding a significant cash recovery for the plaintiff shareholders. Mr. Lederer also has experience representing

large public and private institutional and other investors in “opt out” securities cases. For example, he was one of the primary attorneys for four Commonwealth of Pennsylvania public funds which, in June 2006, obtained a \$23 million recovery in litigation arising out of the AOL-Time Warner merger. *See Commonwealth of Pennsylvania Public School Employees’ Retirement System, et al. v. Time Warner Inc., et al.*, Case No. 002103, July Term, 2003 (Pa. Common Pleas Ct.-Phila. Cty.). He also was one of the primary attorneys for the plaintiffs in the securities litigation captioned *Miller, et al. v. Waste Management Inc., et al.*, C.A. No. 00C-06-257 RRC (Del. Super.). Mr. Lederer has also represented investors in cases arising under the federal securities laws which have resulted in important judicial decisions regarding jurisdiction and procedure. *See, e.g., Ginsburg v. Faragalli*, 776 F. Supp. 806 (S.D.N.Y. 1991) (holding that a federal court’s jurisdiction over a defendant encompasses the boundaries of the United States under the nationwide service of process provisions of the Securities Exchange Act of 1934, 15 U.S.C. § 78aa).

Mr. Lederer also has significant experience defending securities cases. For example, he is one of the Berger firm’s principal attorneys defending a public company against securities fraud class action litigation. *See In re DRDGold Ltd. Securities Litigation*, 05 Civ. 5542 (VM), 2007 U.S. Dist. LEXIS 7180 (S.D.N.Y. Jan. 31, 2007) (dismissing securities class action lawsuit). He also assisted in representing an individual charged with “insider trading” through a criminal jury trial in federal court, and in parallel civil proceedings brought by the SEC. *United States v. Pileggi*, No. 97-CR-612-2, 1998 U.S. Dist. LEXIS 8068 (E.D. Pa. June 3, 1998), *aff’d*, No. 98-1811, 1999 U.S. App. LEXIS 18592 (3d Cir. July 22, 1999).

In bankruptcy litigation, Mr. Lederer helped obtain hundreds of millions of dollars for investors in the complex Chapter 11 proceedings involving the former investment banking and brokerage firm Drexel Burnham Lambert, including through appeals before the United States Court of Appeals for the Second Circuit and the United States Supreme Court. *See, e.g., In re The Drexel Burnham Lambert Group, Inc.*, 130 B.R. 910 (Bankr. & S.D.N.Y. Aug. 20, 1991), *aff’d*, 960 F.2d 285 (2d Cir. 1992), *cert. denied*, 506 U.S. 1088 (1993). Mr. Lederer also served as co-lead counsel in securities class action litigation arising out of the bankruptcy of a physician practice management firm, BMJ Medical Management. *See Sapir, et al. v. Delphi Ventures, et al.*, 99-8086-Civ.-Jordan (S.D. Fla.). Following extensive bankruptcy and related proceedings, that litigation was settled for \$3.8 million, with proceeds distributed to investors in the summer of 2002.

Mr. Lederer graduated from Georgetown University Law Center (LL.M. 1988); Western New England College School of Law (J.D. 1987), where he was a member of *Western New England Law*

Review; and the University of Pittsburgh, where he was managing editor of *The Pitt News*, and co-captain (1983) and captain (1984) of the men's varsity tennis team (B.A. 1984). Mr. Lederer is admitted to practice law in Pennsylvania, the District of Columbia, and several federal courts. Mr. Lederer was selected by *Philadelphia Magazine* one of the City's "Super Lawyers".

Jeanne A. Markey

Jeanne A. Markey is a graduate of Colgate University (B.A. *cum laude* 1979) and the Cornell Law School (J.D. 1983), where she was on the Moot Court Board. She was admitted to the Pennsylvania bar in 1983. Since joining the Berger firm, she has been actively involved in various complex class action litigations, focusing primarily on securities class action litigation.

Peter Nordberg

Peter Nordberg is a graduate of Harvard College (A.B. 1980) and the University of Pennsylvania Law School (J.D. 1985), where he received the Fred G. Leebron Award in Constitutional Law and the John H. Maurer Memorial Prize in Criminal Procedure, and where he served as an Executive Editor of the *University of Pennsylvania Law Review*, authoring "The Petition Clause and Unauthorized Practice Rules," 132 U. Pa. L. Rev. 1515 (1984).

Since joining Berger & Montague in 1990, Mr. Nordberg has practiced in state and federal courts across the nation, in diverse areas of complex civil litigation including mass tort and environmental litigation, qui tam actions, antitrust matters, securities cases, and ERISA litigation. He recently served as co-counsel for plaintiffs in the four-month trial of *Cook v. Rockwell Int'l Corp.*, where claims for trespass and nuisance against two former operators of the Rocky Flats Nuclear Weapons Plant were tried to verdict on behalf of a class of Colorado property owners, resulting in a half-billion dollar jury award. In 2005, he served as a member of the plaintiffs' trial team in Washington State for the inaugural bellwether trial in the *Hanford Nuclear Reservation Litigation*, helping to win what is believed to be the first verdict in history in favor of personal injury plaintiffs suffering from cancer caused by offsite exposures to radiation released by operators of a nuclear weapons facility. In 2003, he was appellate counsel in *Ileto v. Glock*, in which the Ninth Circuit approved a public nuisance action against gun manufacturers for injuries inflicted by the unlawful use of their products.

Mr. Nordberg is also founder and author of the web site "Daubert on the Web," a nationally recognized resource on the law of expert evidence. He is admitted to practice in Pennsylvania, and

he is also a member of the bar of the United States Supreme Court and numerous U.S. Courts of Appeals.

Phyllis Maza Parker

Phyllis Maza Parker is a graduate of Yeshiva University (B.A. *cum laude* 1969), Columbia University (M.A. French Literature 1971), Boston University – Brussels, Belgium (M.S. in Management), and Temple University School of Law (J.D. *cum laude* 1995), where she was a member of the *Temple Law Review* and published a Note on the subject of the Federal Sentencing Guidelines. After her first year of law school, Ms. Parker interned with the Honorable Dolores K. Sloviter of the United States Court of Appeals for the Third Circuit. Following graduation from law school, Ms. Parker served as law clerk to the Honorable Murray C. Goldman of the Court of Common Pleas in Philadelphia, Pennsylvania. Since joining the Berger firm in September 1996, Ms. Parker has concentrated in complex securities class action litigation, representing both individual and institutional investors. Among other cases, she has been on the litigation team in *In re Xcel Energy, Inc. Securities Litigation* (\$80 million settlement, listed among the 100 largest securities class action settlements in the United States since the enactment of the 1933-1934 securities acts); *In re Reliance Group Holdings, Inc. Securities Litigation* (\$15 million settlement); *In re The Loewen Group, Inc. Securities Litigation* (\$6 million settlement); and *In re Veeco Instruments Inc. Securities Litigation* (\$5.5 million settlement). She is admitted to practice in Pennsylvania and New Jersey as well as the Eastern District of Pennsylvania.

Barbara A. Podell

Barbara A. Podell, who joined the Berger firm as a shareholder in the Securities Group in early 2002, holds a Bachelor's degree from the University of Pennsylvania (B.A. 1972 *cum laude* with distinction in Art History). She attended the Institute of Fine Arts of New York University, and from 1973 to 1975, and was a full-time faculty member at Temple University, Philadelphia, Pennsylvania, in the Department of Art History. In 1978, Ms. Podell received a Juris Doctor degree (*magna cum laude*) from the Temple University School of Law, where she was one of the top nine students in the graduating class and was Editor-in-Chief of the *Temple Law Quarterly* (Volume 51). Prior to joining the Berger firm, Ms. Podell was a member of the firm of Savett Frutkin Podell & Ryan, P.C., and before that, a shareholder at Kohn, Savett, Klein & Graf, both in Philadelphia.

She is admitted to practice before the Supreme Court of Pennsylvania, the United States Court of Appeals for the Third Circuit, and the United States District Court for the Eastern District of Pennsylvania. She is a member of the American, Pennsylvania, and Philadelphia Bar Associations and has achieved an “AV” rating (the highest rating) in Martindale-Hubbell.

Douglas M. Risen

Douglas Risen is a shareholder of the firm and has been a member of Berger & Montague’s Securities Litigation Department since 1998, concentrating his practice in complex class litigation with an emphasis on the private civil prosecution of securities fraud. Mr. Risen’s significant successes in this area include: *In re Ikon Office Solutions* (\$111 million settlement) and *In re Safety-Kleen Corp.* (\$44.5 million settlement). Mr. Risen also handles class cases for consumer fraud, predatory lending, and disability discrimination, among other areas.

Mr. Risen is a graduate of the Pennsylvania State University (B.A. *magna cum laude* 1994) and the University of Pennsylvania Law School (J.D. 1997). He is admitted to practice in the Commonwealth of Pennsylvania.

David F. Sorensen

Mr. Sorensen graduated from Duke University (B.A. *magna cum laude* 1983) and from Yale University (J.D. 1989). He was Law Clerk to the Hon. Norma L. Shapiro (E.D. Pa.), in 1990-1991. He was admitted to the Pennsylvania bar in 1989, and is admitted to practice in various federal courts, including the Eastern District of Pennsylvania, and the United States Courts of Appeals for the Ninth, Tenth, and Eleventh Circuits.

Mr. Sorensen practices in the areas of complex mass tort and antitrust class action litigation. He helped try a class action property damage case, *Cook v. Rockwell Corp.*, that resulted in a jury verdict of \$554 million on February 14, 2006, after a four-month trial, on behalf of thousands of property owners near the former Rocky Flats nuclear weapons plant located outside Denver, Colorado. The jury verdict is the largest in Colorado history, and is the first time a jury has awarded damages to property owners living near one of the nation’s nuclear weapons sites. The verdict

included an award of \$200 million in punitive damages against the former Rocky Flats contractors, Dow Chemical Company and Rockwell International Corporation. The case was filed in 1990, and has resulted in 10 published court opinions. The suit alleged that defendants negligently and recklessly caused plutonium to be released off-site from the plant onto class properties, damaging property values and putting residents at increased risk of developing cancer. The jury found for plaintiffs on both of their claims, for trespass and nuisance.

Mr. Sorensen also played a major role in the firm's representation of the State of Connecticut in *State of Connecticut v. Philip Morris, Inc., et al.*, in which Connecticut recovered approximately \$3.6 billion (excluding interest) from certain manufacturers of tobacco products.

Mr. Sorensen also has been involved in a number of antitrust cases representing direct purchasers of prescription drugs. These cases have alleged that pharmaceutical manufacturers have conspired to keep less expensive generic drugs off of the market, in violation of federal antitrust laws. Several of these cases have resulted in substantial cash settlements, including *In re Terazosin Hydrochloride Antitrust Litigation*, MDL 1317 (S.D.Fla.) (\$75 million); and *In re Remeron Antitrust Litig.* (\$75 million).

Mr. Sorensen, along with partner Eric L. Cramer, presented at a symposium in November 2004, focusing on antitrust issues in the pharmaceutical industry, at the University of San Francisco School of Law. Several articles from the symposium were published in the school's law review, including one co-authored by Mr. Sorensen and one of the school's law professors, Joshua P. Davis. The article is entitled, *Chimerical Class Conflicts in Federal Antitrust Litigation: The Fox Guarding the Chicken House in Valley Drug*, 39 U.S.F. Law Review 141 (Fall 2004).

Mr. Sorensen also has presented a seminar, with his partner Eric L. Cramer, on the law of class actions, sponsored by the National Business Institute in Philadelphia. Mr. Sorensen was named as one Pennsylvania's "SuperLawyers" in 2005 in the Philadelphia Magazine; and has received the highest peer-review rating, "AV," in Martindale-Hubbell.

Arthur Stock

Arthur Stock's practice is concentrated in securities litigation. Mr. Stock has litigated numerous significant cases vindicating the rights of investors, including: *Safety-Kleen Corp.* (\$45 million

stockholders settlement); *Synergen, Inc.* (\$28 million settlement); *UICI* (\$16 million settlement); *Livent, Inc.* (\$6.45 million settlements); *Worldport, Inc.* (\$5.1 million settlement); *Datastream* (\$5 million cash and stock settlement); *Blasband v. Rales* (favorable precedent for investors established in Delaware Supreme Court).

Mr. Stock is a graduate of Yale University (B.A. *with distinction in economics* 1984) and the Duke University School of Law (J.D. *with high honors* 1990), where he served as Articles Editor of the *Duke Law Journal*. From 1990 to 1991, Mr. Stock served as a law clerk to the Honorable Jackson L. Kiser, United States District Court for the Western District of Virginia. He joined the Berger Firm in 1991. Mr. Stock is admitted to practice law in the Commonwealth of Pennsylvania.

Mr. Stock is the co-author with Sherrie R. Savett of *What to Plead and How to Plead the Defendant's State of Mind in a Federal Securities Class Action: The Plaintiff's Perspective*, Practising Law Institute, 30th Annual Institute of Securities Regulation, Vol. 2, p. 807 (1998), and author of *Justice Scalia's Use of Sources in Statutory and Constitutional Interpretation: How Congress Always Loses*, Duke L.J. 160 (1990). He has also written political commentary for *Slate.com*.

Mr. Stock also serves on the Board of Trustees of Adoptions from the Heart, a non-profit adoption agency.

Robin Switzenbaum

Robin Blumenfeld Switzenbaum is a graduate of Barnard College (B.A. *cum laude* 1976) and the University of Pennsylvania Law School (J.D. 1985). Before law school, Ms. Switzenbaum was engaged in the development of commercial and residential real estate in Pennsylvania and New Jersey. During that time, Ms. Switzenbaum served on the board of directors of the Home Owners Warranty Council for Southeastern Pennsylvania and the Home Builders Association for Montgomery and Bucks Counties. Before becoming Of Counsel to the Berger firm in October, 1989, Ms. Switzenbaum was an associate with the Philadelphia firm of Saul, Ewing, Remick & Saul specializing in real estate, bankruptcy and zoning matters. Since joining the Berger firm, Ms. Switzenbaum has concentrated in complex civil and securities litigation. Ms. Switzenbaum was part of the litigation teams in *In re Rite Aid Securities Litigation*, MDL 1360 (E.D. Pa.) (\$334 million settlement), *In re Sunbeam Securities Litigation*, 98-8258-Civ-Middlebrooks (S.D. Fla.) (\$142 million settlement), and *In re CMS Energy Securities Litigation*, 02 CV 72004

(E.D.Mich.) (\$200 million settlement). With Lawrence Deutsch, Ms. Switzenbaum served as lead counsel in *Ginsburg v. Philadelphia Stock Exchange, Inc., et al.*, C.A. No. 2202-CC (Del. Ch.) representing certain shareholders of the Philadelphia Stock Exchange in the Delaware Court of Chancery (confidential settlement). In another state court action, Ms. Switzenbaum represented a class of holders of a publicly traded common stock who were denied their preemptive rights, *Korman v. InKine Pharmaceutical*, Case No. 04341 (CCP, Phila. County) (\$9 million settlement). She has also pursued claims on behalf of liquidating trusts bringing actions against officers, directors and auditors of insolvent companies. Ms. Switzenbaum has participated in several securities class actions including *In re Northeast Bancorp*, Case No. N-90-24 (D. Conn) (\$4.9 million settlement), *In re Chase Manhattan Bank*, Case No. 90 Civ. 6092 (S.D.N.Y. 1992) (\$17.5 million settlement), *In re Midlantic*, Case No. 90-1275 (D.N.J.) (\$9 million settlement), *In re ShopKo Stores, Inc. Securities Litigation*, Case No. 01-C-1034 (E.D. Wis.) (\$4.9 million settlement), and *In re Medi-Hut Co., Inc. Securities Litigation*, C.A. No. 02-881 (D.N.J.) (\$4.9 million recovery against accountants, plus recovery from company). Ms. Switzenbaum is a member of the bar in Pennsylvania, New Jersey, Florida, and California and an arbitrator with the New York Stock Exchange. Ms. Switzenbaum also serves as a volunteer guide at the Philadelphia Museum of Art and as a member of the board of Community Legal Services, Inc.

Susan Schneider Thomas

Susan Schneider Thomas is a graduate of Brandeis University (B.A. *magna cum laude* 1977) and Temple University School of Law (J.D. *cum laude* 1980), where she was a staff member and Associate Articles Editor of the *Temple Law Quarterly* and a judicial intern to the Hon. Edward R. Becker, then on the United States District Court for the Eastern District of Pennsylvania. She was admitted to the Pennsylvania Bar in 1980. In 1980-81, she was a law clerk to the Hon. Dolores K. Sloviter of the United States Court of Appeals for the Third Circuit. Subsequently she was an associate at Schnader, Harrison, Segal & Lewis, Philadelphia, and Greenfield & Chimicles, in Haverford, Pennsylvania, where she was actively involved in the litigation of complex securities fraud actions. From 1985 to 1989 as an associate at Berger & Montague, she concentrated her practice in complex securities and derivative actions. Upon leaving the Berger firm, Ms. Thomas was a partner in the law firm of Zlotnick & Thomas from 1989 through 1995, where she had primary responsibility for the litigation of several major class actions including *Geist v. New Jersey Turnpike Authority*, C.A. No. 92-2377 (D.N.J.), a bond redemption case that settled for \$2.25 million and *Burstein v. Applied Extrusion Technologies*, C.A. No. 92-12166-PBS (D. Mass.), which settled for

\$3.4 million. Ms. Thomas returned to the Berger firm in 1996, where she has had major responsibilities in many securities and consumer fraud class actions, including *In re CryoLife Securities Litigation*, C.A. No. 1:02-CV-1868 BBM (N.D.Ga.), which settled in 2005 for \$23.25 million and *In re First Alliance Mortgage Co.*, Civ. No. SACV 00-964 (C.D.Cal.), a deceptive mortgage lending action which settled for over \$80 million. More recently, Ms. Thomas has concentrated her practice in the area of health fraud *qui tam* litigation.

Martin I. Twersky

Mr. Twersky, a graduate of Yeshiva University (B.A. 1969, M.S. 1973), has practiced Antitrust Law and Complex Litigation at the firm for over 20 years, during which time he has successfully represented numerous plaintiffs and defendants in both individual and class actions pending in state and federal courts. His practice has involved litigation in the oil and gas, banking, airline, waste hauling, agricultural chemicals and other regulated industries. He is a graduate of the University of Pennsylvania Law School (J.D. 1980). Among other cases, he has played a leading role in the following class action cases: *In re: Graphite Antitrust Litigation* (E.D. Pa.) (settlements of more than \$70 million dollars); *In re: Catfish Antitrust Litigation* (N.D. Miss.) (as a member of the trial team he helped obtained settlements of more than \$27 million dollars); *In re: Revco Securities Litigation* (N.D. Ohio) ("Junk Bond" class action where settlements of \$36 million were reached), and *Bogosian v. Gulf Oil* (E.D. Pa.) (landmark litigation with settlements and injunctive relief on behalf of a nationwide class of gasoline dealers.) Mr. Twersky has also played a key role in various nonclass action cases, such as *Kutner Buick v. America Motors* (3rd Cir. 1989) (breach of contract) and *Florham Park v. Chevron* (D.N.J. 1988) (Petroleum Marketing Act case).

Stephen A. Whinston

Stephen A. Whinston is a graduate of Colgate University (B.A. 1970) and Case Western Reserve University (J.D. 1973). Prior to joining the Berger firm in 1983, he was with the Special Litigation Section in the Civil Rights Division of the U.S. Department of Justice for nine years, completing his government career as a Senior Trial Attorney. Mr. Whinston was lead trial counsel for the government in complex litigation asserting constitutional rights of persons confined in criminal and civil institutions, including the well-known Alabama Prison System cases of the 1970's and 1980's. *Newman v. Alabama*, 559 F.2d 283 (5th Cir. 1977), *cert. denied*, 438 U.S. 915 (1978), *on remand*, 466 F.2d 628 (M.D. Ala. 1979); *Adams v. Mathis*, 458 F. Supp. 302 (M.D. Ala. 1978), *aff'd*, 614

F.2d 42 (5th Cir. 1980).

Upon joining the Berger firm, Mr. Whinston initially concentrated his practice on class actions in securities fraud and related fields. Mr. Whinston played a lead role on behalf of the firm in cases resulting in significant recoveries for investors, including:

A \$170 million settlement going to purchasers of annuities from affiliates of Baldwin-United Corp., *In re Baldwin-United Corp. Litigation*, 105 F.R.D. 475 (S.D.N.Y. 1984);

A \$140 million settlement for purchasers of securities issued by Premium Sales Corp., *Walco Investments, Inc. v. Thenen*, 881 F. Supp. 1576 (S.D. Fla. 1995), 168 F.R.D. 315 (S.D. Fla. 1996);

A \$71 million judgment for customers of Blinder Robinson & Co., *Hoxworth v. Blinder Robinson & Co., Inc.*, 903 F.2d 182 (3d Cir. 1990), 980 F.2d 912 (3d Cir. 1992);

A \$22 million settlement on behalf of purchasers of US Healthcare common stock, *J/H Real Estate, Inc. v. Abramson*, 901 F. Supp. 952 (E.D. Pa. 1995).

During the past ten years, Mr. Whinston has spent the majority of his time litigating civil and human rights cases. Mr. Whinston was appointed to the Executive Committee in consolidated class actions filed against the three largest banks in Switzerland on behalf of Holocaust survivors whose family members had opened up Swiss bank accounts but had been denied access to them for over 50 years. The case also developed to include claims against the Swiss banks for acting as money launderers for the Nazis with regard to gold and other valuables stolen from victims of the Holocaust. Mr. Whinston participated in the negotiations which resulted in a \$1.25 billion settlement of those cases. *In re Holocaust Victim Assets Litigation*, 105 F. Supp.2d 139 (E.D.N.Y.), *aff'd*, 225 F.3d 191 (2d Cir. 2000).

Mr. Whinston was also lead counsel in cases filed against 14 German industrial companies and banks arising out of the use of slave labor and the Aryanization of Jewish assets during the Holocaust. *Burger-Fisher v. Degussa*, 65 F. Supp.2d 248 (D.N.J. 1999)(appeal withdrawn). He was among a small group of American lawyers who participated in international negotiations sponsored by the Governments of the United States and Germany which resulted in the creation of a German

Foundation with assets of \$4.5 billion for distribution to victims of slave labor and Aryanization, as well as other wrongs from the Nazi era. *In re Nazi Era Cases Against German Defendants Litigation*, 198 F.R.D. 429 (D.N.J. 2000); *Duveen v. U.S. District Court*, 250 F.3d 156 (2d Cir. 2001).

Mr. Whinston's current international human rights cases include *Presbyterian Church of Sudan v. Talisman Energy*, No. 01-cv-9882 (S.D.N.Y.), and *Kiobel v. Royal Dutch Petroleum Co.*, No. 02-cv-7618 (S.D.N.Y.). In *Presbyterian Church*, we represent two organizations and several individuals from southern Sudan in a suit against Talisman Energy, Inc., a Canadian oil company, and the Republic of Sudan alleging that they engaged in or aided acts of genocide, war crimes and crimes against humanity in order to clear areas of southern Sudan for oil exploration. In December 2006, the District Court granted the oil company's motion for summary judgment and certified its ruling for immediate appeal. Argument is expected later this year.

In *Kiobel*, we represent members of the Ogoni ethnic group of Nigeria who allege that Shell assisted, encouraged and participated in human rights violations in connection with the suppression of environmental protests in an area of the Niger Delta. In late 2006, the District Court denied, in large part, Shell's motion to dismiss the action, sustaining many of the key claims in the case, but dismissed the claim of one plaintiff for extrajudicial killing. The District Court certified its ruling for interlocutory appeal and the Second Circuit accepted the appeal. Argument is expected later this year.

In the field of civil rights, Mr. Whinston's practice has focused on employment discrimination cases, primarily in the form of class or multiple plaintiff actions. The claims made in these cases have ranged from racial discrimination in hiring, promotion and discipline to racially hostile work environments. Settlements have been successfully negotiated in multiple plaintiff cases involving hundreds of beneficiaries. In addition, Mr. Whinston is currently co-lead counsel in a putative nation-wide discrimination case on behalf of African American employees of Eastman Kodak Co. *Employees Committed for Justice v. Eastman Kodak Co.*, No. 04-cv-6098 (W.D.N.Y.).

Mr. Whinston's civil rights practice also involves litigation of Constitutional issues. He represents plaintiffs in *Pennsylvania Prison Society v. Cortes*, No. 1:cv-97-1731 (M.D. Pa.), a case challenging the constitutionality of amendments to the Pennsylvania Constitution effecting changes in the commutation system for life- and death-sentenced prisoners. On cross-motions for summary judgment, the District Court ruled that the amendments violated the Ex Post Facto clause of the

United States Constitution, but denied other forms of relief. Cross appeals are currently pending.

Mr. Whinston also represented a class of Pennsylvania prison inmates who were Vietnam veterans in an action which established a statewide treatment program for class members who were suffering from post-traumatic stress disorder as a result of their Vietnam service, *Carter v. Jeffes* (E.D. Pa. 1987), and represented one of the class members in a habeas corpus action. *Glass v. Vaughn*, 860 F. Supp. 201 (E.D. Pa. 1994), *rev'd*, 65 F.3d 13 (3d Cir. 1995), *cert. denied*, 116 S. Ct. 1027 (1996).

Mr. Whinston has successfully argued cases before the Second Circuit, *Duveen, supra*, and the Third Circuit, *Hoxworth, supra*, *Blasband v. Rales*, 971 F.2d 1034 (3d Cir. 1992), as well as the Delaware Supreme Court, *Rales v. Blasband*, 634 A.2d 927 (Del. Supr. 1993). During the past two years, Mr. Whinston has successfully tried two cases to conclusion and settled one in mid-trial.

Mr. Whinston has testified before the United States House of Representatives and Senate subcommittees regarding civil rights enforcement policies. He has made numerous public presentations relating to his work on the Holocaust-related litigation, including one at the Millerville University Conference on the Holocaust in 2000. He is the author of a forthcoming article in the Berkeley Journal of International Law on a related topic. Mr. Whinston is active in various community organizations. He serves as a director of the Disabilities Law Center, a public interest law firm serving the physically and mentally disabled, and the Pennsylvania Prison Society, the oldest prison reform organization in the United States.

OUR ASSOCIATES:**Selim Ablo**

Selim Ablo graduated from McGill University in 1998, magna cum laude, with a degree in History. She secured a Juris Doctorate Degree from the George Washington University Law School in 2001 and secured a Master of Laws Degree in Intellectual Property Law in 2003. During law school Ms. Ablo was a Legal Research and Writing Fellow. Ms. Ablo also interned at the World Trade Organization in Geneva, Switzerland in 2000 and at the U.S. Patent and Trademark Office in 2003. Ms. Ablo is proficient in French and conversational in Italian. Since joining Berger & Montague in November 2004, Ms. Ablo has concentrated her practice in the areas of employment discrimination, civil rights, human rights, and complex class action litigation. Ms. Ablo is admitted to practice in the State of New York.

David Anziska

Mr. Anziska joined Berger & Montague's antitrust department in April 2004, after working as an associate at the law firm of Sidley Austin Brown & Wood. He received his J.D. from the University of Michigan School of Law, *cum laude*, in 2003, and his B.A. from Yeshiva University, *summa cum laude*, in 1999.

Steven L. Bloch

Steven L. Bloch graduated from SUNY Albany (B.A. 1989) and Benjamin N. Cardozo School of Law (J.D. 1992). He is admitted to practice in Pennsylvania, New York and Connecticut, as well as various federal courts. Mr. Bloch has received the highest peer-review rating, "AV," in Martindale-Hubbell and was recently selected to the 2005 Pennsylvania Super Lawyers – Rising Stars Division, for his work in the business litigation arena.

Since joining Berger & Montague in 2005, Mr. Bloch has concentrated his class action practice on insurance and consumer fraud matters, as well as antitrust and ERISA. Mr. Bloch's insurance practice involves representation of policyholders against life, health, property and casualty, automobile and disability insurers concerning unfair and deceptive sales, marketing and trade practices, coverage disputes, claims adjustment practices, suitability, churning and bad faith. At present, Mr. Bloch, together with his colleagues, is:

- Prosecuting to final approval the settlement of a class action on behalf of policyholders in multiple states against AFLAC, Inc. concerning the sale and adjustment of supplemental disability income policies.
- Prosecuting a national class action against The Hartford Financial Services Group and its affiliates concerning the sale of structured settlement annuities to

third-party claimants.

- Prosecuting a national class action against Allstate Ins. Co. predicated on fraudulent adjustment practices under homeowners insurance policies.
- Prosecuting a national class action against United American Ins. Co. concerning the sale of limited benefit health insurance and related products.
- Prosecuting a class action on behalf of California policyholders against UnumProvident concerning the sale and adjustment of own-occupation disability policies.

In addition, Mr. Bloch has wide-ranging litigation experience, and has handled matters involving complex commercial and corporate disputes, business torts, real estate, securities, banking and credit card transactions and relationships, labor and employment and civil RICO. Some of Mr. Bloch's notable representations, for which he has had primary or significant responsibility, include:

- Successfully prosecuting to a seven-figure settlement an action involving the sale of a health-care industry software program.
- Successfully prosecuting to a seven-figure verdict and permanent injunction an action involving the sale of a hair care business and proprietary information.
- Successfully defending and settling an action by a major credit card brand against a credit card issuing bank, avoiding enforcement of a long-term contract predicated on price fixing and monopolistic conduct.
- Successfully prosecuting to a seven-figure settlement an action by a credit card issuing bank against an internet service provider and its merchant bank concerning improper credit card transactions.
- Successfully defending and settling an action for preliminary and permanent injunctive relief against an equipment manufacturer alleging misappropriation of proprietary information and unfair competition.
- Securing peremptory judgment (mandamus) on behalf of the Philadelphia City Council against the Mayor of Philadelphia to enforce legislation.
- Successfully defending and defeating a preliminary injunction to enjoin construction of a multi-million dollar parking garage facility based on claims of interference with easement and real property rights.
- Successfully prosecuting multiple actions by the Pennsylvania Insurance Commissioner on behalf of insurers in liquidation.
- Establishing liability for collusion against a clearing bank under UCC Article 8 in connection with improper broker-dealer conduct in a case of first impression in New York.
- Securing dismissal of an action against a broker-dealer by a pension fund for alleged fraud and regulatory violations in connection with a so-called "mini" tender offer.

Joy P. Clairmont

Joy Clairmont received her B.A. *cum laude* in international affairs from George Washington University in 1995, and her J.D. from George Washington University Law School in 1998, where she served as a managing editor of *The Environmental Lawyer* law journal. After graduating from law school, she clerked for The Honorable Richard J. Hodgson of the Court of Common Pleas of Montgomery County, Pennsylvania. Ms. Clairmont is a member of the Pennsylvania Bar.

Ms. Clairmont joined Berger & Montague, P.C. in 2000 and focuses her practice on securities class actions and False Claims Act (*qui tam*) litigation. Her *qui tam* litigation work principally involves fraud in the pharmaceutical industry.

Ms. Clairmont was a member of the team in the *Sunbeam Securities Litigation* class action (\$142 million settlement). She has also worked extensively representing whistleblowers in *qui tam* lawsuits in state and federal courts throughout the country. A series of False Claims Act cases against drug companies for fraudulent Medicare and Medicaid drug pricing has led to recoveries to date of over \$390 million, including a \$150 million settlement with GlaxoSmithKline PLC, and a \$190 million settlement with Aventis Pharmaceuticals, Inc.

Neill W. Clark

Neill W. Clark graduated *cum laude* from Appalachian State University in 1994 (B.A.) and from Temple University School of Law in 1998 (J.D.), where he earned seven "distinguished class performance" awards, an oral advocacy award and a "best paper" award. After graduating from law school, he clerked for Judge Stephen E. Levin, who handled pre-trial proceedings in all class actions filed in the Court of Common Pleas, Philadelphia County.

Since joining the firm in 1999, Mr. Clark has been significantly involved in prosecuting antitrust class actions on behalf of direct purchasers of brand name drugs and charging pharmaceutical manufacturers with illegally blocking the market entry of less expensive competitors.

Six of those cases have resulted in substantial settlements totaling over \$700 million: *In re Cardizem CD Antitrust Litig.* settled in November 2002 for 110 million; *In re Buspirone Antitrust Litig.* settled in April 2003 for 220 million; *In re Relafen Antitrust Litig.* settled in February 2004 for \$175 million; *In re Platinol Antitrust Litig.* settled in November 2004 for \$50 million; *In re Terazosin Antitrust Litig.* settled in April 2005 for \$75 million; and *In re Remeron Antitrust Litig.* settled in November 2005 for \$75 million.

Mr. Clark was selected as a "Rising Star" by Pennsylvania Super Lawyers and listed as one of the Top Young Lawyers in Pennsylvania in the December 2005 edition of Philadelphia Magazine.

An avid runner, Mr. Clark has won the Lawyer's Division of the annual Philadelphia Bar Association

race seven consecutive times.

Candace Enders

Candice Enders is a member of Berger & Montague's antitrust department. She received a B.A. in political science from the University of Delaware in 2000 and earned her J.D. from the University of Pennsylvania in 2003.

While in law school, Ms. Enders served as a senior editor on the Journal of Labor and Employment Law, volunteered as a legal advocate at the Custody and Support Assistance Clinic, and interned at Philadelphia City Council.

Elizabeth W. Fox

Elizabeth Williams Fox is a graduate of Bryn Mawr College (B.A., *cum laude*, with honors in Anthropology 1963) and the University of Pennsylvania (M.S. in Education 1972; J.D. 1980). Before attending law school, Ms. Fox taught history and social studies at the Baldwin School where she became Head of the History Department. After law school, Ms. Fox joined Ballard, Spahr, Andrews & Ingersoll as an associate where she practiced employment law and general commercial litigation. In 1985, she joined Hoyle, Morris & Kerr where she specialized in toxic torts and insurance coverage litigation, first as an associate and later as a partner. She joined Berger & Montague in July 2001 where she concentrates in securities litigation.

Since joining Berger & Montague, Ms. Fox has worked on numerous class action that have achieved significant benefits on behalf of the Class. These cases include: *In re AMF Bowling Securities Litigation*, (S.D.N.Y.) (\$20 million recovery, principally against investment banks, where defendants asserted that class suffered no damages); *Ashworth Securities Litigation*, (S.D. Cal.) (\$15.25 million recovery, coupled with substantial corporate therapeutic relief); *Oorbeek v. FPL Group, Inc.* (S.D. Fla.) (corporate derivative action brought on behalf of the shareholders of FPL Group, in which plaintiffs recovered a substantial cash amount, and improvements in FPL's corporate governance structure); *Eagle International Services, Inc. v. Uni-Marts, LC*, (C.P. Luzerne county, PA) (class action by store owners in which owners recovered significant cash amounts and received numerous favorable changes in their contracts with defendant Uni-Marts).

Jill I. Freeman

Jill Freeman received a B.A. from the University of Pittsburgh in 1996 and graduated from Widener University School of Law in 2000. Prior to joining Berger & Montague in 2005, Ms. Freeman practiced immigration law. During law school, Ms. Freeman worked for HIAS and Council Migration Services of Philadelphia, the Nationality Service Center, and clerked for the late Honorable Judge Joseph F. Battle in the Delaware County Courthouse in Media, PA.

Ms. Freeman has devoted a substantial amount of time to: *in re New Motor Vehicles Canadian Export Antitrust Litigation*; *In re LNR Property Corp. Shareholders Litigation*; and *In re JDS*

Uniphase Securities Litigation.

Ms. Freeman is involved with the Anti-Defamation League of Eastern Pennsylvania/Delaware Region, and is on the board of HIAS and Council Migration Services of Philadelphia.

Ms. Freeman is admitted to practice law in Pennsylvania and New Jersey.

Laura L. Gleason

Laura L. Gleason is a 2006 graduate of the University of Pennsylvania Law School, where she worked for the Criminal Law Research Group, served as Senior Editor for the *Journal of Constitutional Law*, and interned with the Pennsylvania Senate Judiciary Committee.

Ms. Gleason holds a 2001 B.A. from Brandeis University, where she majored in history and fine arts and received honors for her thesis in painting.

Since joining Berger & Montague, P.C. in August 2006, Ms. Gleason has worked in the antitrust department. She is admitted to practice in Pennsylvania.

Rebecca M. Hamburg

Rebecca M. Hamburg, as member of the firm's Employment Group, concentrates her practice in employment discrimination, civil rights, and international human rights law. Prior to joining Berger & Montague, she practiced federal employment discrimination and civil rights law with the Washington, D.C. law firm of Gebhardt & Associates, LLP, representing federal employees before administrative agencies and in federal courts.

Ms. Hamburg currently serves as the co-chair of the National Employment Lawyers Association's Developing and New Attorneys Committee (NELA-DNA), a Committee which she co-founded. She is also a member of NELA's Membership Committee (including the subcommittee on Law Student Outreach) and the Annual Convention Planning Committee as well as the the American Bar Association's Section of Individual Rights & Responsibilities and Labor & Employment Section.

Ms. Hamburg was previously an Adjunct Professor in the George Washington University Law School's Scholarly Writing Program where she taught upper-division scholarly writing to law students. While in law school, Ms. Hamburg was the Executive Notes Editor for the AIPLA Quarterly Journal and an executive board member of the Alternative Dispute Resolution Board. In addition, through the International Human Rights Clinic, she provided research and drafting assistance for Respondent's attorneys in the Supreme Court case, *Sosa v. Alvarez-Machain*, 542 U.S. 692 (2004), regarding the Alien Tort Claims Act (28 U.S.C. § 1350), as well as foreign arrest powers of U.S. law enforcement officers in the companion case.

She received her B.A., cum laude, from the University of California, San Diego with high honors

in her major, in 2001 and was elected to Phi Beta Kappa. Subsequently, she earned her J.D. from The George Washington University Law School in 2004.

Ms. Hamburg is admitted to practice in the State of California (2004), the District of Columbia (2005), the U.S. Court of Federal Claims (2005), the Commonwealth of Pennsylvania (2006) and the U.S. Court of Appeals for the Third Circuit (2007). She has also been admitted to practice in several U.S. district courts.

Shauna Itri

Shauna Itri received a B.A. and an M.A. from Stanford University in 2000 and 2001. She graduated Villanova Law School in 2005 and is currently licensed to practice law in Pennsylvania and New Jersey. While attending law school Shauna was the Editor-in-Chief of the *Villanova Law School Sports & Entertainment Law Journal* and published an article entitled “*Maurice Clarett v. N.F.L.: An Analysis of Clarett’s Challenge to the Legality of the NFL’s Draft Eligibility Rule Under Antitrust Laws.*”

1. While attending Stanford University Shauna was a member of the Stanford University Women’s Soccer Team and captained the team from 1999-2001.

Since joining the law firm of Berger & Montague, Shauna has practiced primarily in the area of securities class action litigation.

Michael J. Kane

Michael J. Kane graduated from Rutgers University (B.S. 1991) and Ohio Northern University School of Law, with distinction (1994), where he was a member of the Law Review. Mr. Kane is admitted to practice in Pennsylvania and various Federal Courts.

Mr. Kane joined Berger & Montague’s antitrust practice in 2005. Prior to joining Berger & Montague, Mr. Kane was affiliated with Mager, White & Goldstein, LLP where he represented clients in complex commercial litigation involving alleged unlawful business practices including: violations of federal and state antitrust and securities laws, breach of contract and other unfair and deceptive trade practices. Mr. Kane has served in prominent roles in high profile antitrust, securities, and unfair trade practice cases filed in courts around the country. Recently, Mr. Kane served as co-lead counsel in *In re Microsoft Corporation Massachusetts Consumer Protection Litigation* (Mass. Super. Ct., Middlesex Cty.), in which plaintiffs alleged that as a result of Microsoft Corporation’s anticompetitive practices, Massachusetts consumers paid more than they should have for Microsoft’s operating systems and software. The case was settled for \$34 million. Other cases in which Mr. Kane has had a prominent role include:

In re Currency Conversion Fee Antitrust Litig. (S.D.N.Y.);

In re Nasdaq Market Makers Antitrust Litig. (S.D.N.Y.);

In re Compact Disc Antitrust Litig. (C.D. Cal.);
In re WorldCom, Inc. Securities Litig. (S.D.N.Y.);
In re Lucent Technologies, Inc. Securities Litig. (D.N.J.);
City Closets LLC v. Self Storage Assoc., Inc. (S.D.N.Y.);
Rolite, Inc. v. Wheelabrator Environmental Sys. Inc., (E.D. Pa.);
Amin v. Warren Hospital (N.J. Super.).

Jon J. Lambiras

Jon J. Lambiras, Esq., CPA, CFE is a graduate of Pepperdine University School of Law (J.D. 2003) and Bryant College (B.S. in Accounting, *cum laude* 1996).

While in law school Mr. Lambiras was a Lead Articles Editor for the *Pepperdine Law Review*. He has published articles including:

- *White-Collar Crime: Why the Sentencing Disparity Despite Uniform Guidelines?*, 30 *PEPP. L. REV.* 459 (2003) (named Student Article of the Year by the *Pepperdine Law Review*); and
- *Inside Job: A Guide to Insider Trading*, 17 *THE WHITE PAPER* 23 (July/Aug. 2003).

Mr. Lambiras is also a Certified Public Accountant and Certified Fraud Examiner. Prior to law school he practiced accounting for four years as an auditor of public and private corporations.

In 2006-08, Mr. Lambiras presented several continuing legal education (CLE) seminars regarding securities class actions to the Philadelphia Chapter of the American Association of Attorney-Certified Public Accountants.

Since joining Berger & Montague in 2003, Mr. Lambiras has practiced primarily in the areas of securities fraud and data breach/identity theft class action litigation.

David A. Langer

David A. Langer is a graduate of Haverford College (B.A. 1991) and Vermont Law School (J.D. *cum laude* 1999). While in law school, Mr. Langer was a member of the *Vermont Law Review* and also served as a Managing Editor. He was admitted to the Pennsylvania Bar in 1999. Mr. Langer became associated with Berger & Montague in September 1999 and practices in the antitrust complex litigation area.

Eric Lechtzin

Eric Lechtzin joined the firm in 2008 and concentrates his practice in the areas of securities fraud class actions, shareholder derivative suits, and mergers and acquisitions cases. Prior to joining Berger & Montague, Mr. Lechtzin worked with Grant & Eisenhofer P.A., in Wilmington, Delaware, and Schiffrin Barroway Topaz & Kessler, LLP, in Radnor, Pennsylvania, where his practice focused on securities fraud class actions and corporate governance litigation.

Mr. Lechtzin has helped obtain multi-million dollar settlements in a number of federal securities cases, including the following: *In re Global Crossing Access Charge Litigation*, No. 04-MD-1630 (S.D.N.Y.) (\$15 million settlement); *Taft v. Ackermans*, (KPNQwest Securities Litigation), No. 02-CV-07951 (S.D.N.Y.) (\$15 million settlement); *In re RenaissanceRe Holdings Ltd. Securities Litigation*, No. 1:05-CV-06764 (S.D.N.Y.) (\$13.5 million settlement); *In re Van der Moolen Holding N.V. Securities Litigation*, No. 1:03-CV-8284 (S.D.N.Y.) (\$8 million settlement); *Scott Tanne v. Autobyte, Inc., et al*, No. CV 04-8987 (C.D. Cal.) (\$6.75 million settlement); *In re Biolase Technology, Inc. Securities Litigation*, No. 8:04-CV-00947 (C.D. Cal.) (\$2.95 million settlement). Mr. Lechtzin has also helped obtain significant corporate governance reforms in shareholder derivative actions.

Mr. Lechtzin received his B.A. in Political Science and Economics, *magna cum laude*, from Temple University, where he was elected to Phi Beta Kappa, in 1988. Mr. Lechtzin received his J.D. from Temple University James E. Beasley School of Law, in 1991. Mr. Lechtzin is licensed to practice law in California, New Jersey, and Pennsylvania, and has been admitted to practice before the United States Court of Appeals for the Third and Fourth Circuits, and the United States District Courts for the Central, Northern and Southern Districts of California, Eastern District of Pennsylvania, and District of New Jersey.

Sheryl Saltzberg Levy

Sheryl S. Levy has been an associate at the firm since March, 1988. She received a Bachelor of Arts degree (*cum laude*) from the University of Pennsylvania in 1984, and a Juris Doctorate degree at the National Law Center of George Washington University in 1987 (*cum laude*). While attending law school, Ms. Levy served as an editor of the *George Washington Journal of International Law and Economics*. Prior to joining Berger & Montague, Ms. Levy was associated with the Philadelphia firm of Pechner, Dorfman, Wolffe, Rounick & Cabot. Ms. Levy has worked on a variety of complex litigation matters, primarily in the areas of commercial and mass tort litigation. She is admitted to practice law in Pennsylvania.

Neil F. Mara

Neil F. Mara is a graduate of the College of the Holy Cross (B.A. 1987) and the University of Connecticut (J.D. 1991) where he was a member of the executive board of the Moot Court Honor Society. Mr. Mara was an Assistant District Attorney in Philadelphia, Pennsylvania, from 1991-

1997. He was also a Special Assistant United States Attorney for the Eastern District of Pennsylvania, 1996-1997, where he prosecuted large narcotics organizations. Since joining the Berger firm, he has concentrated on environmental litigation and securities litigation. Mr. Mara is admitted to practice law in Connecticut, Pennsylvania, and various federal courts.

Matthew P. McCahill

Matthew P. McCahill is a 2000 graduate of Fordham Law School, where he received a B.A., *summa cum laude*, in history and was elected to Phi Beta Kappa. Mr. McCahill is a 2003 graduate of Fordham Law School, where he was a member of the *Fordham Urban Law Journal*. Before joining Berger & Montague in January 2006, Mr. McCahill was an associate at Kaplan Fox & Kilsheimer LLP in New York, practicing primarily in antitrust litigation. Mr. McCahill continues to focus on antitrust litigation at Berger & Montague. Mr. McCahill is admitted to practice in the state courts of New York and Pennsylvania, as well as in the U.S. District Courts for the Southern and Eastern Districts of New York. He is fluent in French and proficient in Spanish.

Ellen T. Noteware

Ms. Noteware earned her undergraduate degree from Cornell University (B.S. 1989) and graduated first in her class from the University of Wisconsin Law School (J.D. 1993) where she served as Associate Editor of the Wisconsin Law Review.

Following graduation, Ms. Noteware clerked for the Honorable J. Calvitt Clarke, Jr. in the United States District Court for the Eastern District of Virginia. Prior to joining Berger & Montague, Ms. Noteware handled complex commercial litigation, products liability, employment law, ERISA and trade secret disputes as an associate at Arnold & Porter in Washington, D.C. and at Morgan, Lewis & Bockius in Philadelphia. Ms. Noteware continues to handle complex litigation and class action matters as a member of Berger & Montague's Antitrust Department.

Jeff Osterwise

Jeff Osterwise is a 1999 graduate of Duke University where he received a B.A. in Political Science and completed a certificate program in Markets & Management. Prior to attending law school, Mr. Osterwise formed a corporation for the purpose of exploring entrepreneurial ventures.

Mr. Osterwise is a 2005 graduate of the Duke University School of Law and is admitted to practice law in Pennsylvania. Since joining Berger & Montague, P.C. in August 2005, Mr. Osterwise has practiced primarily in the area of securities class action litigation.

Russell D. Paul

Russell D. Paul joined Berger & Montague, P.C. in 2006, and concentrates on securities class actions, complex securities litigation matters and derivative suits. Prior to joining Berger & Montague, Mr. Paul was with the firm of Grant & Eisenhofer P.A. in Wilmington, Delaware. Mr. Paul began his legal career in the New York office of Skadden, Arps, Slate, Meagher & Flom, L.L.P.

Mr. Paul has litigated securities class actions against Tyco International Ltd., Baxter Healthcare Corp., ALSTOM S.A., Able Laboratories, Inc., Refco Inc., and Federal National Mortgage Association (Fannie Mae). He has also litigated derivative actions in various state courts around the country, including in the Delaware Court of Chancery. He has briefed and argued federal appeals, including arguing before Judges Posner and Easterbrook of the Seventh Circuit. In addition to securities litigation, he has broad corporate law experience, including mergers and acquisitions, venture capital financing, proxy contests and general corporate matters. Mr. Paul graduated from the Columbia University School of Law in 1989, where he was a Harlen Fiske Stone Scholar and a member of the Moot Court Board. In 1986, Mr. Paul received a dual degree from the University of Pennsylvania, a B.S. in Economics with a concentration in finance, *magna cum laude* from the Wharton School, and a B.A. in American History, *magna cum laude* from the College of Arts and Sciences.

Mr. Paul is admitted to the bar in the states of Delaware, New Jersey, Pennsylvania, and New York.

Jacob M. Polakoff

Jacob M. Polakoff is a 2006 graduate of the joint JD/MBA program at the University of Miami, where he was the recipient of the Dean's Certificate of Achievement in Legal Research & Writing, was awarded a Graduate Assistantship, and was honored with the Award for Academic Excellence in Graduate Studies.

Mr. Polakoff holds a 2002 B.S.B.A. from Boston University's School of Management, where he concentrated in finance.

Since joining Berger & Montague, P.C. in August 2006, Mr. Polakoff has worked in the class action securities litigation area. He is admitted to practice law in Pennsylvania and New Jersey.

Shoshana Savett

Shoshana Savett received a B.A. from the University of Pennsylvania in 1999. She graduated from Temple Law School in 2003 and is admitted to practice law in Pennsylvania and New Jersey. Ms. Savett is an associate in the securities department.

Joshua C. Schumacher

Joshua C. Schumacher joined Berger & Montague's Securities Litigation Department in 2005, and concentrates his practice on complex securities class action litigation on behalf of both public and private institutional investors, as well as high-net-worth individuals.

Since joining Berger & Montague, Mr. Schumacher has assisted in the prosecution and trial preparation of a number of noteworthy securities actions including *In re Cigna Corp. Securities Lit.*, No. 2:02CV8088 (E.D.Pa.) (\$93M settlement) and *In re Seprcaor Inc. Securities Lit.*, No. 02-12235-MEL (D.Ma.) (\$52.5M settlement). Additionally, Mr. Schumacher has assisted in the prosecution of consumer fraud and commercial litigation class actions including most recently *Ginsburg v. Philadelphia Stock Exchange, Inc. et al.*, No. 2202-CC (Del. Ch.) (\$67-80M settlement).

Prior to joining Berger & Montague, Mr. Schumacher worked for Davis & Young, L.P.A. in Cleveland, Ohio where he concentrated on general corporate and commercial liability defense, as well as the defense of highly trained professionals such as physicians and attorneys. While at Davis & Young, Mr. Schumacher assisted in the litigation which resulted in *Westfield v. Galatis*, 100 Ohio St.3d 216, 797 N.E.2d 1256 (2003), a landmark decision. Prior to attending law school Mr. Schumacher served as an administrator for The Society for Imaging Science & Technology, a non-profit organization in Washington, DC.

Mr. Schumacher was awarded a B.A. from George Mason University. While attending George Mason University, Mr. Schumacher participated in the Accuracy Project, a comprehensive survey of capital punishment in America, the results of which was published as *Dead Wrong.' An Examination of Capital Prosecutions and Recommendations for Change* (2002) of which Mr. Schumacher was a co-author. Mr. Schumacher was awarded a J.D. cum laude from Case Western Reserve University where he received High Honors in the study of Litigation, and was awarded the prestigious Paul 3. Hergenroeder Award for outstanding success and scholarship in the study of Trial Advocacy.

Mr. Schumacher is member of the bars of the Supreme Court of Pennsylvania and the United States District Court for the Eastern District of Pennsylvania.

Daniel Simons

Mr. Simons is a member of Berger & Montague's Antitrust Department. He received a Bachelor of Arts in Political Science, magna cum laude, from Yeshiva University in 1997. In addition to winning the Political Science departmental award two years running, Mr. Simons also garnered three awards for scholastics and student leadership upon graduation.

He earned his J.D. with honors, at Temple Law School in May, 2000, where he headed three student groups, served on Temple Law Review, and interned in the Health Care Fraud Unit of the United States Attorney's Office. Following graduation, he clerked for the Honorable Berle M. Schiller of the Eastern District of Pennsylvania. He has also served as a volunteer in the Philadelphia Reads Program.

Mr. Simons is admitted to practice in Pennsylvania and New Jersey, as well as in the United States District Courts for the Eastern District of Pennsylvania and for the District of New Jersey. He is a member of the American Bar Association and its Antitrust Section.

Keith J. Verrier

Keith J. Verrier is an associate in Berger & Montague's antitrust department, having joined the firm in 2005. Mr. Verrier graduated, magna cum laude, from Temple University School of Law (J.D. 2000) and is a graduate of the University of Rhode Island (B.S. 1992). While in law school, Mr. Verrier was a member of the Law Review. After law school, Mr. Verrier served as a judicial clerk for the Honorable Herbert J. Hutton in the United States District Court for the Eastern District of Pennsylvania.

Prior to joining Berger & Montague, Mr. Verrier gained substantial experience in litigating complex commercial cases including several significant antitrust matters. Mr. Verrier is admitted to practice in the state and federal courts in both Pennsylvania and New Jersey.

Lane L. Vines

Lane L. Vines is a graduate of the University of Wisconsin-Madison (B.B.A.-Accounting, Graduated with Distinction, 1988) and Villanova University School of Law (J.D. 1997). During law school, Mr. Vines was a member of the *Villanova Law Review* and served as a Managing Editor of *Outside Works*. Prior to joining the Berger firm, Mr. Vines was a law clerk for the Honorable James R. Melinson, Chief U.S. Magistrate Judge for the Eastern District of Pennsylvania. He is admitted to practice in Pennsylvania and New Jersey, as well as several federal courts including the Supreme Court of the United States. He is a member of the Villanova Law J. Williard O'Brien American Inn of Court. Mr. Vines joined the Berger firm in 1999 and concentrates his practice in the area of securities and complex commercial litigation.

OF COUNSEL:**Carey R. D'Avino**

Mr. D'Avino is of counsel to Berger & Montague, P.C. in Philadelphia. He has practiced in the field of international law for more than 20 years and his practice is currently concentrated in international human rights class action litigation. He received a B.A., with honors, from Colgate University and his J.D., with honors, from Emory University Law School, where he served as an Editor, *Emory Law Journal*. He is the inaugural John Henry Hobart Fellow in Ethics and Social Justice at Hobart and William Smith Colleges and he is a member of the Board of Directors of the American Anti-Slavery Group, a Boston based human rights foundation dedicated to the eradication of slavery and forced labor around the world.

Mr. D'Avino is a member of the Bar in New York State and the United States Virgin Islands. He is admitted to practice law in the United States Supreme Court, United States District Court for the Eastern District of New York, the United States District Court for the Southern District of New York, the Virgin Islands District Court, the United States Court of Appeals for the Third Circuit, and the United States Court of Appeals for the Second Circuit, and the United States Court of Appeal for the District of Columbia.

He served as class counsel in each of the following Holocaust related class actions: *In re Holocaust Victims Assets Litigation*, No. 96 CV 4849; *Helene Pollack, et al. v. Siemens A.G. et al.*, No. 98 CV 5489; *Marta Cornell, et. al. v. Assicurazioni Generali S.p.a., et. al.*, No. 97 CV 2262; *Watman et. al. v. Deutsche Bank, Dresdner Bank, Creditanstalt, et al.*, No. 98 CV 9186; *Burger-Fisher, et. al. v. Degussa*, No. 98 CV 3958; *Jack Bressler et. al. v. Phillip Holzmann AG, et. al.*, No. 98 CV 6335; *Anna Gutwillig, et. al. v. Steyer-Daimler-Pusch A.G.*, 98 CV 6336 and *Kluge, et al. v. Raiffeisen Zentral, et, al.*, 00 CV 2851. He is an individual signatory of the German and Austrian Holocaust settlement agreements including the Joint Statement establishing the terms of the German Foundation "Remembrance, Responsibility and Future" executed on July 17, 2000, the Joint Statement establishing the terms of the Austrian Fund "Reconciliation, Peace and Cooperation" executed on October 24, 2000, and the Joint Statement establishing the terms of the "Austrian General Settlement Fund", on January 17, 2001.

The international human rights matters currently being handled by Mr. D'Avino include cases against:

(a) Talisman Energy, Inc. and The Republic of Sudan for genocide complicity in Southern Sudan, *Presbyterian Church of Sudan v. Talisman Energy, Inc. and The Republic of Sudan*, 2003 U.S. Dist. Lexis 4085 (S.D.N.Y. March 19, 2003) (denying motion to dismiss);

(b) Royal Dutch/Shell for complicity in human rights violations in the Niger Delta against the Ogoni people, *Kiobel, et al. v. Royal Dutch Petroleum Co. and Shell Transport and Trading p.l.c.*, 02-CV-7618 (S.D.N.Y.); and

(c) Bayer AG and Schering AG for participation in the chemical sterilization of a concentration

camp inmate. *Rozenkier v. Bayer*, No. 03-CV-1422 (E.D.N.Y.)

Roslyn G. Pollack

Roslyn G. Pollack is Counsel to the firm, concentrating on securities, qui tam, and other complex civil litigation. Ms. Pollack is a graduate of the University of Florida, magna cum laude, and the University of Pennsylvania Law School. She is a member of the bar in both Pennsylvania and Florida.

She was formerly a partner in the Litigation Department of the Philadelphia firm of Cohen, Shapiro, Polisher, Shiekman and Cohen where she specialized in commercial and corporate litigation. Ms. Pollack also served as Associate General Counsel - Lead Attorney - Litigation for PECO Energy Company. She has extensive trial experience in state and federal courts. Ms. Pollack has lectured for the Pennsylvania Bar Institute and has written on a variety of legal topics. Formerly a member of the Philadelphia Bar Association Board of Governors and the Pennsylvania Bar Association House of Delegates, Ms. Pollack is active in a number of professional and civic organizations. She serves on the Commercial Panel of the American Arbitration Association and as a judge pro tem for the Philadelphia Court of Common Pleas. She is a member of the Forum of Executive Women.

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